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No.

In The

SUPREME COURT OF THE UNITED STATES

Thamar E. Williams
Petitioner

v.

Watts-Willowbrook Church of Christ,
a nonprofit corporation; et al.,
Respondents

TO THE UNITED STATES COURTS OF APPEAL
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Lynwood, California 90262
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10 PP

QUESTIONS PRESENTED

Questions presented are of compelling importance as to set forth a new legal prescient of laws that constitutes Grounds for court decisions that are Unconstitutional in their violations of the Fourteenth Amendment of the United States Constitution.

1. Whether it is Unconstitutional for a "Judgment" over an entire category of cases to permanently "Stand," whose "Judgment" or "Decision" Grounds are "Affirmed" by the Ninth Circuit Court of Appeals as "lack of jurisdiction?"
2. Is it Unconstitutional, for courts of law to use their own conspiracy [as indicated by Recusals] and/or the courts' theory [not the Causes of Actions as contained in the Complaint] to "deny," and "deprive," the Original Plaintiff of his Seventh and Fourteenth Amendment Rights for "Relief" for his $5,000,000.00 Damage Complaint?
3. Whether defendants, can be allowed to "Evade Review" of Equal Assess laws through the courts legal tactics of making "decisions" in a case, and simultaneously causing all motions to be "Moot," based on "lack of jurisdiction?"
4. If the United States Supreme Court Affirms the Ninth Circuit Courts of Appeals Decision, how would the Original Plaintiff receive "Relief" from Void Judgment [FRCP 60(b)(4)] if all courts of law Deny Relief due to Mootness caused by lack of jurisdiction?

5. Is it Unconstitutional and a violation of inconsistent with the Fourteenth Amendment, for the District Court to "deny" and "reject" [by Order of the Court] documents containing motions for Void Judgment on the Grounds "Case Termed Appeal?"
6. Is it Unconstitutional, for the District Court to use this legal tactics to "deny" and "reject" motion documents [not granting Relief from Void Judgment due to "lack of jurisdiction]" so that the Original Plaintiff can be "denied" and "deprived" of his Seventh Amendment rights?
7. Whether it is Unconstitutional for the District Court to deny and deprive the Original Plaintiff a Trial by Jury as Demanded as a part of his Seventh Amendment rights?
8. In as much as there was no Report of findings, conclusions, and recommendations in this case [as the U.S. Magistrate Judge, Robert N. Block Ordered his Report of findings, conclusions and recommendations to be "PLACED IN FILE – NOT USED (ORDER)]," is it Unconstitutional, for the District Court to adopt a "PLACED IN FILE – NOT USED [ORDER] as a Trial by Jury?
9. Is adopting a "NOT USED (ORDER)]" Unconstitutional for "Depravations" or "inconsistencies" as related to the Original Plaintiff's 14th Amendment rights, coupled with the Original Plaintiff's Seventh Amendment rights, in that a jury "findings" would be different from a "NOT USED ORDER?"

10. Did the court "establish law" in it's "Decision" to Certify "Ten" Trustees as the Trustees of the Board of Directors of the Watts-Willowbrook Church of Christ, when the Articles of Incorporation only provided for the "Election" of only "Three" Trustees, which are specifically named as the President, Treasurer, and Secretary?
11. Whether the courts' order is unconstitutional in converting or expanding the Watts-Willowbrook Church of Christ Articles of Incorporation from three Trustees to ten Trustees without a Corporate Resolution to authorize such action or to make changes to the Watts-Willowbrook Church of Christ Articles of Incorporation?
12. Whether a Judgment can permanently "Stand" who's "Grounds" are based on "Recused" decisions? Is that Judgment with a "Recused Decision" Unconstitutional if the due process was not followed when the judges failed to file an answer to statement within the mandatory five-day limit in accordance to the California law 170.6?
13. Whether a final judgment is Unconstitutional if the Order or Decision is not a "final decision" if the District Court dismisses the claims without prejudice?
14. Is it Unconstitutional to have a Final Judgment that is clearly against the logic and effect of the facts as are found, when the only evidence of a Trial was the Courts' "PLACED IN FILE-NOT USED-ORDER?" Is this abuse of discretion standards since the court was Recused prior to its

SUBSTANTIAL QUESTIONS OF MIXED LAW DUE TO CONFLICTS BETWEEN DECISIONS OF VARIOUS COURTS AS CONTAINED IN THE UNLITIGATED, UNMITIGATED, UNADJUDICATED [due to lack of subject matter jurisdiction] "SEPARATE" AND "INDEPENDENT" COMPLAINT.

These questions are based on the original Plaintiff's "Separate" and "Independent" Complaint for "Damages" for overt acts of violations of Due Process of law and/or overt act(s) that are inconsistent with due process of law RE: (but not limited to) Causes of Action and Conspiracy, Wrongful Termination, False Election of Board, Fraud, Deceit, or Perjury, Preliminary Injunction or Stay-Away orders, Defamation, Conversion, Breach of Fiduciary Duty, and Interference with Contract, as followers:

1. Based on the evidence of Affidavits of the attorney's clients as contained in the Complaint, whether or not it is unconstitutional or inconsistent with the Fourteenth amendment for an attorney witness, who is also a party to the Complaint, to represent himself and all defendants with allegations pending in reference to the attorney disqualification's according to the California Rule 3-310?

2. Whether the court can supersede the Articles of Incorporation of a nonprofit corporation and undermine its present board of trustees by changing the number of trustees from three to ten?
3. Whether a nonmember of the Board of Directors and nonmember of the board of trustee of a nonprofit corporation can litigate a lawsuit in the nonprofit corporations name without its approval?
4. Whether the court committed an overt act by certifying a **newly elected board of directors for 1998 be called the board of trustees** and make this **newly elected board to be retroactive prior to 1998?**
5. Whether courtroom collusion occurred when judges position themselves from one courtroom to another to make decisions on all lawsuits filed by a particular individual?
6. Whether deceit, fraud, and perjury were perpetrated upon the court when a person acts as an agent for process of service of the corporation for purpose of overturning a decision made by the court and the Secretary of the State records certifies differently?
7. Whether it is unethical for an attorney to litigate matters on behalf of the corporation

without a Corporate Resolution or the approval of the board of trustees or its board of directors?

8. Whether the court denied the rights and privileges of a person by placing a stay-away order on a person without the approval of the board of directors, board of trustees or corporation membership which deprived the employee from gainful employment and back wages?
9. Whether the court can conceal and surpress evidence to allow certification of an election for Board of Directors for a corporation without a Hearing, while having full knowledge of voter fraud, when electioneering, voter fraud, deceit, intimidation, harassment of voters, etc.?
10. Whether the court can hold agreements made in secret meetings binding upon the corporation if the Articles of Incorporation of the corporation states that all corporate meetings of the corporation must be held at the corporation address and made known to its membership and meetings are held secretly in private homes by a group of 10-12 people out of a membership of over 500?
11. Whether it is unconstitutional when a court

reschedules a trial, with a different court and new judge without court or plaintiff notifying defendants with defendants paying court for a trial by jury and court on trial date waived trial by jury and heard case without the presence of defendants and placed a judgment and permanent injunction on defendants with attorney for plaintiff notifying defendants of judgment forty-five days later?

12. Whether the Superior Court "concealed" and "suppressed" the evidence of court records for the Federal Court by not transferring their records of cases that was requisitioned when they were in receipt by Personal Process of Service of the Summons, Complaint, Notice of Removal, and Notice of Related Cases?

13. Whether a judgment will stand that is based on incomplete records?

LIST OF OTHER RESPONDENTS

MAURICE WILLIAMS, Trustee, JOHNNY JACKSON, Trustee; WATTS-WILLOWBROOK CHURCH OF CHRIST; MAURICE L. WILLIAMS, Trustee; FRANK DEVEREAUX, Trustee; JOHN L. WILLIAMS, Trustee; ALLEN HARRIS, Trustee; LLOYD PHILLIPS, Trustee; SHERRON E. WILLIAMS, Trustee; EGERTON FORSTER, Trustee; CHESTER JONES, Trustee; BOBBY BRIGHT, Trustee; VERNON REED, Trustee; LIONEL SPEARS; ALICE HARRIS; PRINCE A. EMEDON; STANLEY J. SANDERS; MICHAEL SINKOV; MONA BOULEVARD CHURCH OF CHRIST ARBITRATION COMMITTEE; CRENSHAW CHURCH OF CHRIST; BILLY CURL; CHURCH OF CHRIST; O.J. DYSON; DYSON ENTERPRISES; LA PUENTE CHURCH OF CHRIST; ELLIS LEWIS, SR.; NORMANDIE CHURCH OF CHRIST; HERMAN THOMPSON; SOUTHSIDE CHURCH OF CHRIST; CARL BACCUS; MISSION BLVD. CHURCH OF CHRIST; AVALON CHURCH OF CHRIST; and J.C. THOMAS;

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2. Great American Trading Corp. v. I.C.P. Cocoa, Inc.,629 F.2d 1282, 1287-1288 (7th Cir. 1980).
3. United States v. Forma, 42 F.3d 759. 762 (2d Cir. 1994); Wages v. I.R.S., 915 F.2d 1230, 1234 (9th Cir.1990).
4. St. Louis, I.M. & S.R. Co. v. Taylor, 210 U.S. 281, 293-294 (1908).
5. Merril Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804, 816 (1986).
6. Oak Grove School Dist. Of Santa Clara County v. City Title Ins. Co. (1963) 32 Cal.Rptr. 288, 217 C.A.2d 678.
7. Calhoun v. Superior Court of San Diego County (1958) 331 P.2d 648,51 C.2d 257.
8. Spencer v. Kemna, 523 U.S. 1, 17 (1998); Madison Sch. Dist., 177 F. 3d at 798; and Weisman, 505 U.S. 577 (1992).
9. First Republic Bank Fort Worth v. Norglass, Inc., 958 F.2d 117. 119-120 (5th Cir.1992).

IN THE
SUPREME COURT OF THE
UNITED STATES
PETITION FOR
WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review judgment below.

OPINIONS BELOW-

[x] For cases from federal courts: No Opinion submitted by the federal court.

The opinion of the United States court of appeals appears at Appendix not adjudicated to the petition and is

[ ] reported at N/A or,

[ ] has been designated for publication but is not yet reported; or ,

[ ] is unpublished.

[ ] The opinion of the United Stated district court appears at Appendix not adjudicated to the petition and is

[ ] reported at N/A or

[ ] has been designated for publication but is not yet reported; or ,

[ ] is unpublished.

[ ] For cases from **state courts:**
The opinion of the highest state court to review the merits appears Appendix NONE to the petition and is
[ ] reported at NONE or
[ ] has been designated for publication but is not yet reported; or ,
[ ] is unpublished.

The opinion of the NONE court appears at Appendix ____ to the petition and is
[ ] reported at NONE or
[ ] has been designated for publication but is not yet reported; or ,
[ ] is unpublished.

JURISDICTION

[X] For cases from **federal courts:**
The date on which the United States Court of Appeals decided my case was 2-16-01 and all Petition Re-Hearing was Denied by the Order.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on _____(date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U.S.C. Sec. 1254(1).

[ ] For cases from **state courts: N/A**

The date on which the highest state court decided my case was_____. A copy of that decision appears at Appendix_____.

[ ] A timely petition for rehearing was thereafter denied on the following date:_____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari granted to and including N/A (date) on ____(date) in Application No. _____A _____.

The jurisdiction of this Court is invoked under 28 U.S.C. Sec. 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

1. Fourteenth Amendment of the United States Constitution.
2. Seventh Amendment of the United States Constitution.
3. First Amendment of the United States Constitution.
4. Equal Access Act.
5. FRCP 60(b)(4)
6. 28 USCS Sections 1441, 1446; FRCP 81(c).
7. Federal Rule of Civil Procedure 65.

STATEMENT OF CASE

1. The Ninth Circuit Court of Appeals has "Substantively" departed from the accepted and usual course of judicial proceeding in setting forth a legal precedent to "Deny" or not grant "Relief" from Void Judgment [FRCP 60(b)(4) over an entire category of cases [NO.00-57162, NO.00-56940, NO.00-56563 and NO.00-56784] which the same Court has "Affirmed" simultaneously as having "lack of jurisdiction." See *e.g. "Appendix A."*

2. This "precedent decision" is of importance to the public [all cases within the United States], and is compelling for the basic reasons that follows:

A. This "Decision" "Affirms" that no United States' Citizens can receive "Substantive" Due Process Relief from Void Judgment due to "lack of jurisdiction." All motions for "Substantive Reilf" are "Denied" by the Ninth Circuit Court of Appeals. This decision entered by the Ninth Circuit Court of Appeals conflict with decisions of another United States court of appeals.

B. The Ninth Circuit Court of Appeals has entered a Final Judgment in conflict with other United States courts of appeals, as well as with the United States Supreme Court in its decisions as to "Affirm" the adoption of a "PLACED IN FILE – NOT USED-ORDER" of the District Court as a Trial by Jury verdict, on a "Separate" and "Independent" Complaint with "unresolved" claims [that were "properly" before the Court]. See *e.g. "Appendix B."* This is a departure from the accepted and usual course of judicial proceedings.

C. The "Public" importance of this decision of the Ninth Circuit Court of Appeals is that all Seventh Amendment rights and privileges can be "adopted" and "substituted" by "NOT USED ORDER(S)" of Migistrate judge(s), respectively. This is a departure from the accepted and usual course of judicial proceedings to "deny" and "deprive" United States Citizens of their Seventh Amendment rights with the use of "NOT USED ORDERS." "Substantive" Due Process Relief as "Denied," by an "NOT USED ORDER," is Uncontitutional.

D. Courts of law and judges can now adopt a "NOT USED ORDER" for Final Judgement that "conceals" and "suppresses" the clear evidence of "Fraud" as contain with Exhibits in the unlitigated, unmitigated, and unajudicated Complaint. This is a major departure from the accepted and usual course of judicial proceedings. See *e.g. "Appendix B"* transaction date July 3, 2000 of the District Court's Docket.

E. Final Judgment contains "Relief" from "Default" base on the evidence of "culpable" conduct or culpable behavior of an Attorney "witness" who is also a "Party" in the case. Relief is predicated on the Attorney witness's Affidavit which contains "Fraud" of "Misrepresentation." See *e.g. "Appendix C."* These Grounds containing "Fraud" is Unconstitutional as the accepted and usual course of judicial proceedings.

F. Final Judgment of the Ninth Circuit Court of Appeals "sanctioned" a state court's Judgment which was made in the "absence of jurisdictioin" or before the Remand, by the Federal court. See *e.g. "Appendix G."*

The state court also "waived," without "consent," a Original Plaintiff's Seventh Amendment rights and privileges to make this Judgment and Permanent Injunction. Waving United States Citizens' rights and privileges without their knowledge or consent, again, is a departure from the accepted and usual course of judicial proceedings. See *e.g. "Appendix H."*

G. This Final Judgement decision of the Ninth Circuit Court of Appeals contradicts the United States Supreme Court's "Decision" to "not" allow defendant to "Evade Review" of "Equal Access Act" laws. This overt act calls for the an exercise of the United States Supreme Court's supervisory power over the Ninth Circuits Court of Appeals' decisions.

H. The judical conduct of law, for both the Ninth Circuit Court and the District Court, have deprived and denied the movant or the Original Plaintiff any meaningful opportunity to participate in the ligation that renders a judgment void, for lack of Due Process. All motions for Void Judgment for lack of jurisdiction are "Denied" as "Moot" while simultaneously the Ninth Circuit Court "Affirms" lack of jurisdiction. See *e.g. "Appendix A."* This is Unconstitutional and a "Substantive" deprivation of the Fourteenth Amendment of the United States Constitution.

There are "no" mistakes or "no" misapplication of a properly stated rule of law, nor "no" asserted errors of any court of law in reference to this "precedent decision" for both the District Court and the Ninth Circuit Court of Appeal.

If the United States Supreme Court denies this Petition for a Writ of Certiorari, there remains no other cource of "Substantive" Due Process "Relief" for Void Judgments, nor "Substantive" Due Process Relief for depravation of Reviews of Equal Access Act laws, or "Substantive" Due Process Relief from the defendants' "Fraud," or "Substantive" Due Process Relief from a state court Judgment [Order Granting a Permanent Injunction that was made before the Remand by the Federal Court's Order].

ARGUMENTS FOR THE ALLOWANCE OF THE WRIT OF CERTIORARI

The Fourteenth Amendment states in part: "No [s]tate shall...deprive any person of life, liberty, without due process of law" [U.S. Connst., amend. XIV, SECTION 1]. The Petitioner, who is the Original Plaintiff, contends that he has been "Denied" and "Deprived" "Substantive" Due Process rights and privileges that are "Granted" by the United States Constitution Amendment XIV. The United States Supreme Court as well as other U. S. courts of appeals are in agreement in their decisions that laws cannot be made that have the effect of depriving persons of any protected interest in an arbitrary manner. Such cases includes, *United States v. Carolene Products Co. (1938) 304 U. S. 144, 152-153. 82 L. Ed.1234. 58 S Ct. 778.* The Original Plaintiff contends that the District Court and the Ninth Curcit Court of Appeals have failed to proceed in the manner required by law and that both the Ninth Circuit Court of

Appeals as well as the District Court "Denied" the Original Plaintiff his Seventh Amendment rights and Privileges. The Original Plaintiff was "Denied" a fair and impartial Trial by jury. *See Code Civil Procedure Section 1094.5(b).*

The Original Plaintiff has no source of "Substantive" Due Process "Relief" from the Judgment on the folowing matters:

1. The Order Granting Permanent Injunction against the Original Plaintiff was made by the Superior Court of the State of California "before" the case was Remanded by the District Court. See *e.g. "Appendix G."* Case law as set by the Ninth Circuit Court of Appeals makes the Original Plaintiff motions to Set Aside and Vacate Void Judgment "impossible" as the District Court states that Relief is "devoid of merit." Therefore, Relief from the Permanent Injunction is "impossible" and also "devoid of Merit." Only the United States Supreme Court can grant "Relief" in this "impossible" situation.

The Original Plaintiff respectfully requests that this Injunction be Recinded and Vacated. See *e.g. "Appendix H."*

2. VOID JUDGMENT - The Original Plaintiff, who is the Petitioner for this Writ Of Certiorari, contends that it is Unconstitutionl and a deprivation of the Fourteenth Amendment for any judicial conduct that denies the movant or the Original Plaintiffa meaniful opportunity to participate in the litigation constitute Grounds for Void Judgment due to lack of Due Process.

The Ninth Circuit Court's decision to "Deny" motions to Setaside and Vacate Void Judgment conflict with the 7th Circuit Court of Appeals. See *e.g. "Appendix F."* Such cases including *Great American Trading Corp. v. I.C.P. Cocoa, Inc.,629 F.2d 1282, 1287-1288 (7th Cir. 1980).* This issue of "lack of jurisdiction" has been adjudicated and "Affirmed" by the Ninth Circuit Court of Appeals, therefore it is Unconstitutional for the District Court "not" to grant "Relief." Courts of law have frequently held that a judgment rendered by a court that was without jurisdiction over the subject matter is "Void." Such cases including *United States v. Forma, 42 F.3d 759. 762 (2d Cir. 1994); Wages v. I.R.S., 915 F.2d 1230, 1234 (9th Cir.1990).*

3. DEPRIVATION OF FEDERAL STATUTES - It is Unconstitutional and a deprivation of the Due Porcess of the Federal Statutes [58:39 of which the Allegations are in the Notice and the "Entire" actions are removable as Joinder of removable and nonremovable causes of action under 28 USCS Sections 1441, 1446; FRCP 81(c)] to have Personal Process of Service [the Summons, Complaint, Notice of Removal, and Notice of Related Cases] on the Superior Court as well as all defendants and the actions or court cases were not removed in accordance with Due Process, within the 30 day period as mandated by law. See *e.g. "Appendix E."* These cases were Federal Case NO. 00-00223, NO. 00-00224, NO. 00-0025, and NO. 00-0026 which are the California Superior Court cases BC 180866, BC 195215, BC 193978, and TC 010864, respectively.

The United States Supreme Court retains power to review the "decisions" of a Federal issue in a state cause of action; *St. Louis, I.M. & S.R. Co. v. Taylor, 210 U.S. 281, 293-294 (1908).* The United States Supreme Court also has "Jurisdiction over a state-court judgment that rests, as a threshold matter, on a determination of federal law. Such cases including *See Merril Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804, 816 (1986).*

4. THE JUDGMENT CONCEILS AND SUPPRESS THE CLEAR EVIDENCE OF FRAUD AND THE CULPABLE CONDUCT OF DEFENDANTS –

The "Separate" and "Independent" Complaint contains the clear evidence of Fraud that has been committed by the defendants.

The Complaint contains the "Exhibits" of the Interrogatories from Case No. CV 00-00226 which are Affidavits signed by the defendants attesting to their statements of not being elected according to law as members of the Board of Directors for the Watts-Willowbrook Church of Christ and simultaneously claiming to be true members of the Board of Directors for the Watts-Willowbrook Church of Christ and authorized to act on the behalf of the corporation. This is Fraud of Misrepresentation perpretrated on the Court.

Defendants' attorney who is also a party to this Complaint, had full knowledge of this Fraud of misrepresentation as his signature is on the Interrogatories. The attorney also committed fraud of misrepresentation of his clients who he claims to represent.

Affidavits of Johnny Jackson and Maurice Williams attesting to Attorney Sanders' fradulent claims of representation of them before this court is shown in *e.g. "Appendix C"* of this Writ of Certiorari and, other Exhibits of Fraud are shown within the Complaint. It should be noted to the court that the attorney witness, who claims the contested matter of representation of all defendants is also, "Automatically Disqualified" under the California code of conduct Rule 3-310. The Fraud of Egerton Forster are shown in Exhibits in the Complaint. The Original Plaintiff contends that the "NOT USED ORDER" of the United States Magistrate Judge, which was "Adopted" for a Trial by Jury verdict, is used by the court to "suppress" and "conceal" the clear evidence of Fraud committed by the defendants as contained and made a part of the Complaint. It is Unconstitutional and a "deprivation" of the Fourteenth Amendment for the District Court's "NOT USED ORDER," to prevent a jury from their rights and priviledges of their own "Findings." This is a far, far departure from the accepted and usual course of judicial proceedings. Therefore, "Substantive" Due Process for a Jury(s) "Findings of fact and conclusions is/are "Denied." This is a major "public" issure of importance and, it is compelling as to "Deny" and "deprive" all United Stated Citizens [in all 50 states] of their Seventh Amendment rights in Trials by Jury cases, with a "new law" of "PLACED IN FILE- NOT USED (ORDER(S), for all courts of law. This is Unconstitutional.

5. THE DEEP SEATED PREJUDICE OF THE COURT AS INDICATED BY RECUSALS- The file records contains Recusals which have not been Adjudicated in this Claim although Recusals are made a part of the "Separate" and "Independent" Complaint. See *e.g. "Appendix J."* Both the Magistrate Judge and the District Court Judge received the Peremptory challenge pursuant to the California Code of Civic Procedure Section 170.6 prior to any Decisions on contested issues of law or fact. Affidavit of the Original Plaintiff setting forth the Grounds and Facts which constituted Automatic Disqualification was timely. The Original Plaintiff contends that the "deep seated prejudice" of the court is evident by the judges "Consent to disqualification" under the California Code of Civic Procedure Section 170.3. Both the Magistrate Judge and the District Judge failed to file a written Answer to the Grounds setting forth their disqualification within the mandatory five-day limit, and therefore, the judges are estopped from determining their own qualifications in reference to their respective Recusal. Such case that supports this include *Oak Grove School Dist. Of Santa Clara County v. City Title Ins. Co. (1963) 32 Cal.Rptr. 288, 217 C.A.2d 678.* Where a judge has failed to file a written answer to a verified statement of bias and prejudice, facts alleged in statement must be taken as true. Such cases include *Calhoun v. Superior Court of San Diego County (1958) 331 P.2d 648,51 C.2d 257.* Therefore this Judgment is Void due to the judge's "Consent to disqualification."

However, the "deep seated prejudice" of the courts has prevented the Original Plaintiff from receiving any form of Relief by other courts of law and judges. Case law as set by the Ninth Circuit Court makes Relief impossible. Therefore this compelling circumstance calls for and exercise of the United States Supreme Courts supervisory power.

NOTICE TO THE COURT

The Original Plaintiff is a pro se litigant and does not understand courts of law using their legal tactics to create their own laws rather than ligiate the existing laws. The original Plaintiff comes to this Court for "Sustantive Due Process Relief" for depravation of Due Process rights and privileges under the XIV Amendment and simultaneously this Courts states in its Rule 10 that "Review on a writ of certiorari is not a matter of right, but a judicial discretion." This statement would be a total contradiction to the Substantial rights and privileges granted to United States Citizens under the XIV Amendment of the United States Constutition. Deprivation of Substantive XIV Amendment rights and privileges as a personal bias and prejudice as to prevent an impartial trial is of a major concern. All judge(s) and court(s) of law have Recused over these disputed facts and issues [as indicated in the file records of the Ninth Curcit Court of Appeals] and any judge(s) or court(s) of law attempting to make decision(s) or makes decision(s) adverse to the Original Plaintiff without the resolve of these disputed fact and issues only represents New

Evidence of Grrounds for Recusal and Automatic Disqualification under the California Code Civil Procedure 170.6.

If this Court "deny" the Original Plaintiff request for a Writ of Certiorari, what avenue(s) of "Relief" are available to those who cannot obtain "Relief" due to "deep seated prejudice of the courts of law" or conspirancy of the courts of law? Have Congress or the Legislature or any other form of government body provided any source for "Relief" to those United States Citizens who cannot receive a Due Process for Seventh Amendment rights and privileges? The Original Plaintiff makes an "Apology" to the Court for his pro se ignorance on these subject matters as no form of contemp or disrespect is intended with the raising of these questions. The Original Plaintiff's only concern is a impartial Trial by jury.

6. EVADING REVIEW OF THE "EQUAL ACCESS ACT" LAWS- The Original Plaintiff in a timely manner placed Federal Rule of Civil Procedure 65 before the courts, reguarding New Evicence for the Application for Preliminary Injunction and Motion to Consolidate Hearing With Trial. Please see *e.g. "Appendix D."* Both agencies, the District Court and the Ninth Curcuit Court of Appeals, "Denied" Substantive depravation "Relief" to the Original Paintiff in order to allow the defendants to Evade Review [in August 2001] of the Equal Access Act laws. See *e.g. "Appendix I."* This "decision" of the Ninth Curcuit Court of Appeals conflicts with the "decisions" made by other United States courts of appeals and also conflicts

with the "decisions" of the United States Supreme Court for two reasons. First defendants have public bosted that the same practice of violations that accured in August 2000 (as recorded in the file records), will accure again this August 2001. Secondly, the challenge action is too short in duration to be fully litigated before cessation or expiration. Therefore it is Unconstitutional and a Substantive depravation of the Original Plaintiff's Equal Access Act rights and privileges for the Court to allow the defendants to "Evade Review." Such cases includes, *Spencer v. Kemna, 523 U.S. 1, 17 (1998); Madison Sch. Dist., 177 F. 3d at 798; and Weisman, 505 U.S. 577 (1992).* The Ninth Circuit Court of Appeals has "Substantively" departed from the accepted and usual course of judicial proceeding in setting forth a legal precedent to allow defendant to "Evade Review" of Equal Access Act laws.

7. The Ninth Circuit Court of Appeals has placed a Judgment on state court's Judgments that should be settled by the United States Supreme Court. These conflicting decisions of various courts evolve around one threshold matter, [of which the source of all contentions of various courts of law centered on] that is the matter of "which Board is the true Board of Directors for the Watts-Willowbrook Church of Christ in 1997?" All issues evolved from this "one" issue. Those matters were settled in favor of the Original Plaintiff and against the Defendants, who were not the true Board of Directors in the Case [CV 00-00225] of the Los Angeles National Bank v. Watts-Willowbrook Church of Christ, Thamar E. Williams. Decisions of CV-00-00223, CV-00-00224, and CV-00-00226 are

inconsistant with the Fourteenth Amendment, and contradict the facts and the issues that are closed with "Prejudice" in CV-00-00225. Other appellate court are consistant to "Sustain" those issues that are "Closed with Prejudice" whereas the Ninth Circuit Court of Appeals has "sanctioned" a departure of the District Court from the usual course of judical proceedings.

The United States Supreme Court "Review" is necessary to decide these conflicting decision from various courts of law. The twenty-six questions of mix law presented in the "Separate" and "Independent" Complaint are unligitated, unmitigated, and unadjudicated due to the "NOT USED ORDER" of the Magistrate Judge which has been adopted for a Trial by Jury verdit. Since these cases [CV 00-00223, CV 00-00224, CV 00-005, and CV 00-00226] were subsequently removed to Federal court, the United States Supreme Court has Jurisdiction to Review "Judgment(s)" initially rendered in state courts. Such cases including *First Republic Bank Fort Worth v. Norglass, Inc., 958 F.2d 117. 119-120 (5th Cir.1992).*

Therefore, these court decisions that are "contradictions" have cause the courts to depart from the accepted and usual course of judicial proceedings. No court of law would deprive the Original Plaintiff of his Constitutional rights and priviledges and, to cause damages due to "deep seated bias and personal prejudice" to "Convert" [courts establishing new laws] the Board of Directors of the Watts-Willowbrook Church of Christ without the courts' departing from their accepted and usual course of judicial proceedings.

CONCLUSION

The Original Plaintiff, who is also the Petitioner for this Writ of Certiorari, objects to the Ninth Circuit Court Ruling to "Deny" Relief from Void Judgment being that they have Adjudicated and "Affirmed" "lack of subject-matter jurisdiction" over an entire category of cases that are "duplicate." This ruling, to not grant Relief from Void Judgment, while simultaneously "Affirming" "lack of jurisdiction" over a category of cases contradicts other United States courts of appeals "decisions," as well as to Contradict "decisions" of the United States Supreme Court.

Therefore, this precedent "decision" of the Ninth Circuit Court of Appeals is of compelling importance in that no United States Citizen can receive Relief for Void Judgment on the Grounds of "lack of jurisdiction." Since "lack of jurisdiction" has been "affirmed" and "adjudicated," "Substantive Relief" from Void Judgment should be granted.

It is compelling that the Original Plaintiff respectfully request this Writ of Certiorari be granted and that the United States Supreme Court grant full "Substantive" Due Process Relief from the following:

A. "Substantive" Due Process Relief from the District Court's "NOT USED ORDER" that has been Adopted as a "Trial by Jury" as Demanded in the "Separate" and "Independent" Complaint. This Order is Unsconsitutional in that it "Deprives" and "Denies" the Original Plaintiff of his Due Process Seventh Amendment Rights and Priviledges or any other Relief the Court deems necessary.

B. "Substantive" Due Process Relief from the "Permanent Injunction" that was placed on the Original Plaintiff by the cupable conduct of Defendants who "waived" (without consent or knowledge of, or a Notice of a Hearing) the Original Plaintiff Seventh Amendment Rights in order to gain a Permanent Injunction. The State Court made this Decision in the absence of "jurisdiction" in that this Decision was made before the Remand Order of the Federal Court. This is Unconstitutional and "inconsistent" with the Fourteenth Amendment.

C. "Substantive" Due Process Relief from defendants "Evading Review" this August 2001 of Equal Access Laws.

D. "Substantive" Due Process Relief from Deprivation of the Original Plaintiff's Seventh Amendment Rights and Priviledges as to the Litigation, the Mitigation and the Adjudication of the "Seperate" and "Independent" Damage Complaint.

E. "Substantive" Due Process Relief from the judges who have been Recused due to their "deep seated prejudice." The Original Plaintiff respectfully request a Writ of Mandamus for a Trial by Jury.

The petition for a writ of certiorari should be granted.

Respectfully submited,

Thamar E. Williams, pro se
Date: May 13, 2001

"APPENDIX A."

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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FEB 16 2001
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

THAMAR E. WILLIAMS
Plaintiff-Appellant,

v.

WATTS-WILLOWBROOK CHURCH OF CHRIST, et al.,
Defendants-Appellees.

Nos. 00-56563
00-56784
DC#CV-99-13564-AHM
Central California

ORDER

Before: LEAVY, THOMAS and RAWLINSON, Circuit Judges

Appellant's emergency filing received January 26, 2001, is construed as a response to this court's January 12, 2001, order to show cause why these consolidated cases are not suitable for summary disposition.

A review of the record and filings in these cases reflect that the questions raised on appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F. 2d 857, 858 (9th Cir. 1982) (per curiam).

Accordingly, we summarily **AFFIRM** the district court's judgment.

All pending motions are **DENIED** as moot.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other

submissions shall be filed or entertained in these closed dockets.

Appellant is cautioned that pursuant to this court's rules, all filings are to be directed to the Clerk in San Francisco absent exigent circumstances requiring the immediate attention of judges of this court and, even then, the parties are directed in contact this court's motions unit at (415) 556-9890 to obtain instructions as to how to proceed. Failure to abide by this court's rules may result in the imposition of sanctions.

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CATHY A. CATTERSON
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JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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??DISTRICT OF CALIFORNIA
s____Deputy

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FEB. 16,2001
CENTRAL DISTRICT
OF CALIFORNIA
s/by E Deputy

NO. 00-57162
T/AG#: CV-99-13564-AHM

THAMAR E. WILLIAMS, President of the Board of Directors and Trustee of the Watts-Willowbrook Church of Christ, a nonprofit corporation
Plaintiff-Appellant
v.
WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, MAURICE WILLIAMS, Trustee, JOHNNY JACKSON, Trustee; WATTS-WILLOWBROOK CHURCH OF CHRIST; MAURICE L. WILLIAMS; FRANK DEVEREAUX, Trustee; JOHN L. WILLIAMS, Trustee; ALLEN HARRIS, Trustee; EGERTON FORSTER, Trustee; SHERRON E. WILLIAMS, Trustee; LLOYD PHILLIPS, Trustee; CHESTER JONES, Trustee; BOBBY BRIGHT, Trustee; VERNON REED, Trustee; LIONEL SPEARS; ALICE HARRIS; PRINCE A. EMEDON; STANLEY J. SANDERS; MICHAEL SINKOV; MONA BOULEVARD CHURCH OF

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FEB. 12, 2001
CENTRAL DISTRICT
OF CALIFORNIA
s/by GA DEPUTY

CHRIST ARBITRATION COMMITTEE; CRENSHAW CHURCH OF CHRIST; BILLY CURL; CHURCH OF CHRIST; O.J. DYSON; DYSON ENTERPRISES; LA PUENTE CHURCH OF CHRIST; ELLIS LEWIS, SR.; NORMANDIE CHURCH OF CHRIST; HERMAN THOMPSON; SOUTHSIDE CHURCH OF CHRIST; CARL BACCUS; MISSION BLVD. CHURCH OF CHRIST; AVALON CHURCH OF CHRIST; and J.C. THOMAS;

Defendants - Appellees

APPEAL FROM the United States District Court for the Central District of California, Los Angeles.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the appeal in this cause, be and hereby is dismissed for lack of jurisdiction.

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

THAMAR E. WILLIAMS
Plaintiff-Appellant,

No. 00-57162
DC# CV-99-13564AHM
Central California
(Los Angeles)

WATTS-WILLOWBROOK CHURCH OF CHRIST, et al.,
Defendants-Appellees.

ORDER

Before: BEEZER, O'SCANNLAIN and KLEINFELD, Circuit Judges

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the December 7, 2000 notice of appeal was not filed or served within 30 days from entry of the September 6, 2000 judgment. *See* Fred .R. App. P.4(a)(1);*Alexander v. Sacha*,439F.2d742 (9thCir. 1971)(requirement of timely notice of appeal is jurisdictional). This appeal challenges the same judgment challenged in appeal nos. 00-56563 and 00-56784. Consequently, this appeal is dismissed for lack of jurisdiction and as duplicative and unnecessary.

Court Seal
Feb. 7, 2001
s Juanja Rose
Deputy Clerk

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Filed and entered January 16, 2001

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

THAMAR E. WILLIAMS
Plaintiff-Appellant,

v.

WATTS-WILLOWBROOK CHURCH OF CHRIST, et al.,
Defendants-Appellees.

No. 00-56940
DC# CV-99-13564AHM
Central California
(Los Angeles)
ORDER

Before: BEEZER, O'SCANNLAIN and KLEINFELD, Circuit Judges

A review of the record demonstrates that this appeal challenges the same judgment challenged in appeal nos. 00-56563 and 00-56784. Consequently this appeal is dismissed as duplicative and unnecessary.

The notice of appeal filed November 15, 2000 in this docket shall be filed as an amended notice of appeal no. 00-56563.

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"Appendix A."

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THAMAR E. WILLIAMS
Plaintiff

v.

WATTS-WILLOWBROOK
CHURCH OF CHRIST, et al
Defendants.

Case No.: CV 99-13564
AHM (RNB)

J U D G M E N T

Pursuant to the Order Adopting Findings, conclusions and Recommendations of United States Magistrate Judge,

"Appendix A." i

IT IS ADJUDGED that this action is dismissed without prejudice.

DATED: SEPT. 6, 2000

s A. Howard Matz
United States District Judge

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THAMAR E. WILLIAMS
Plaintiff

v.

WATTS-WILLOWBROOK CHURCH OF CHRIST, et al
Defendants.

Case No.: CV 99-13564 AHM (RNB)

ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

STAMPED THIS CONSTITUTES NOTICE OF ENTRY AS REQUIRED BY FRCP, RULE 77 (d).

Pursuant to 28 U.S.C. s 636, the Court has conducted a review of all the records and files of this case, including the Report and Recommendation of the United States Magistrate Judge. Objections to the Report and Recommendation have been filed herein. Having made a de novo determination of those portions of the Report and Recommendation to which objection has been made, the Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT IS ORDERED THAT: (1) defendants' Motion to Set Aside Default is GRANTED; and (2) Judgment be entered dismissing this action without prejudice.

Dated: Sept. 6, 2000

s_____

A. Howard Matz
UNITED STATES
DISTRICT JUDGE

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"APPENDIX B."

TERMED APPEAL
194

U.S. District Court
Central District of California (Western Div.)
CIVIL DOCKET FOR CASE #: 99-CV-13564
Filed: 12/29/99

Thamar E. Williams v. Watts-Willowbrook Ch, et al
Assigned to: Judge A. Howard Matz Jury demand: Plaintiff Referred to: Magistrate Judge Robert N. Block
Demand: $0,000 Nature of Suit: 890
Lead Docket: None Jurisdiction: Federal Question
Dkt# in other court: None
Cause: 28:1331 Ded. Question

THAMAR E WILLIAMS, President of the Board of Directors and Trustee of the Watts-Willowbrook Church of Christ, a nonprofit corporation plaintiff	Thamar E. Williams FAX 310-537-8333 COR LD NTC] [PRO SE] 4130 Carlin Avenue Lynwood, CA 90262 310 - 635-9478
v.	
WATTS-WILOWBROOK CHURCH OF CHRIST, a nonprofit corporation defendant	J Stanley Sanders FAX 213-687-3702 [COR LD NTC] J Stanley Sanders Law Offices 355 South Grand Ave 35th Floor Los Angeles, CA 90071 213-683-9203
MAURICE L WILLIAMS,	J Stanley Sanders

Trustee		(See above)
defendant		[COR LD NTC]
JOHNNY JACKSON,		J Stanley Sanders
Trustee		(See above)
defendant		[COR LD NTC]
WATTS-WILLOWBROOK		J Stanley Sanders
CHURCH OF CHRIST		(See above)
defendant		
MAURICE L WILLIAMS		J Stanley Sanders

12/29/99	1	COMPLAINT filed Summons(es) issued referred to Discovery Ann I. Jones (jag) [Entry date 01/05/00]
12/29/99	5	NOTICE of interested ptys by plaintiff Thamar E Williams (1c) [Entry date 01/07/00]
1/5/00	2	NOTICE OF CLERICAL ERROR; Incorrect magistrate judge's initials were indicated on this action. (pc)
1/5/00	--	CASE REFERRED to Magistrate Judge Robert N. Block (pc) [Edit date 01/10/00]
1/5/00	3	NOTICE OF REFERENCE to Magistrate Judge Robert N. Block (pc)
1/6/00	4	MINUTES: This case has been referred to Magistrate Judge Robert N Block for pretrial proceedings.. Service of the summons and complaint must be accomplished on each named dft NLT 4/27/00. By Magistrate Judge N. Block CR:N/A (shb) [Entry date 01/07/00]
1/6/00	6	NOTICE by plaintiff Thamar E Williams of interested parties (shb) [Entry date

01/10/00]

1/6/00 6 DEMAND for jury trial by plaintiff Thamar E Williams (shb) [Entry date 01/10/00]

Proceedings include all events. TERMED
2:99cv13564 Thamar E. Williams v. APPEAL 194
Watts-Willowbrook Ch, et al

4/17/00	22	Responding memorandum of points and authorities in OPPOSITION by plaintiff Thamar E Williams to motion to set aside default [20-1] (shb) [Entry date 04/18/00]
4/17/00	23	DECLARATION of Thamar E Williams by plaintiff Thamar E Williams of evidence and memo of opp to motion to set aside default [20-1] (shb) [Entry date 04/18/00]
4/18/00	24	DECLARATION of Thamar Williams by plaintiff Thamar E Williams in opposition to motion to set aside default [20-1]; Proof of Service (shb) [Entry date 04/19/00]
4/26/00	26	REPLY by defendants to pltfs opposition to motion to set aside default [20-1] (shb) Entry date 05/02/00]
4/27/00	25	NOTICE OF DISCREPANCY AN ORDER by Magistrate Judge Robert N. Block dfts reply to pltfs opp to mot for relief from default received 4/26/00 is to be filed and processed (shb) [Entry date 05/02/00]
6/12/00	27	NOTICE OF FILING REPORT

"Appencix B." i

		AND RECOMMENDATION by Magistrate Judge Robert N. Block and Lodging of Proposed Judgment and Order (ab) [Entry date 06/13/00]
6/12/00	28	REPORT AND RECOMMENDATION by Magistrate Judge Robert N. Block (ab) [Entry date 06/13/00]
6/28/00	29	Affidavit of OJECTIONS by plaintiff Thamar E Williams to Report and Recommendation [28-1] (shb) [Entry date 06/29/00]
6/28/00	30	MEMORANDUM of points and authorities by plaintiff Thamar E Williams in support of opposition to report and recommendation opposition [29-1] (shb) [Entry date 06/29/00]
6/28/00	31	Proof of service of summons and complaint executed upon defendant Maurice L. Williams on 6/15/00 by personal service (shb) [Entry date 06/29/00]
6/28/00	31	PROOF OF SERVICE by plaintiff Thamar E Williams on 6/28/00 of afdt of pltfs opp to R & R served upon J Stanley Sanders, et al and Maurice Williams by US Mail (shb) [Entry date 6/29/00]
7/3/00	--	PLACED IN FILE - NOT USED (order) adopting findings, conclusions and recommendations of US

		Mag Judge (shb) [Entry date 07/05/00]
9/6/00	33	ORDER by Judge A. H. Matz adopting [28-1] R&R (ENT 9/6/00) mld ntc (dmjr) [entry date 09/07/00]
9/6/00	34	JUDGMENT AND ORDER: by Judge A.H. Matz. Terminating case w/o prej (MD JS-6) (ENT 9/07/00) (cc: all counsel) (dmjr) [Entry date 09/07/00]
9/12/00	35	NOTICE OF MOTION AND MOTION by Plaintiff Thamar E Williams for preliminary injunction, and for consolidated hearings with trial; motion hearing set for 9:30 10/3/00 (shb) [Entry date 09/13/00]
9/12/00	36	MEMORANDUM of points and authorities IN SUPPORT by Plaintiff Thamar E Williams of motion for preliminary injunction [35-1], motion for consolidated hearing with trial [35-2] (shb) [Entry date 09/13/00]
9/12/00	37	APPLICATION by Plaintiff Thamar E Williams for a preliminary injunction and motion to consolidate hearing with trial (shb) [Entry date 09/13/00]
9/13/00	38	EXHIBIT 6 re motion application [37l-1] (shb)

9/15/00	--	PLACED IN FILE - NOT USED ans to cmp (shp) [Entry date 09/18/00]
9/15/00	--	PLACED IN FILE - NOT USED mot to set aside dflt (shb) [Entry date 09/18/00]
9/15/00	40	AFFIDAVIT of Thamar Williams re appl re new evidence for appl for prelim inj and mot to consolidate hrg with trial [37-1] (shb) [Entry date 09/18/00]
9/18/00	41	NOTICE OF APPEAL by plaintiff Thamar E Williams to 9th C/A from Dist. Court Jgm & Ord fild 9/6/00 & ent 9/7/00 [34-2] (cc: Thamar E. Williams) Fee: Paid. (pjap)
9/18/00	42	TRANSCRIPT DESIGNATION and ordering form dates: none (pjap)
9/19/00	43	AMENDED NOTICE OF PRELIMINARY INJUNCTION APPEAL by plaintiff Thamar E. Williams to 9th C/A from Dist. Court Jgm & Ord fld 9/6/00 & ent 9/7/00 [34-2] (cc: Thamar E. Williams) Fee: Waived. (pjap)
9/19/00	44	CERTIFICATE of Record Transmitted to USCA (cc: all parties) (pjap)
9/20/00	45	Original plaintiff's affidavit of OBJECTIONS filed by plaintiff Thamar E Williams to order

		adopting findings, conclusions and recommendations of US Mag Judgment [33-1] (shb) {Entry date 09/22/00]
9/20/00	46	MEMORANDUM of points and authorities by plaintiff Thamar E Williams in support of Objection to judgment [34-02], of order adopting report and recommendation of US Mag Judg [33-1] (shb) [Entry date 09/22/00]

v

"APPENDIX C."

December 30, 1997

J. Stanley Sanders
McKenzie, McGhee & Pryce
333 S. Grand Avenue, 20th Floor
Los Angeles, California 90071

Re: Case No. TC010864

WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, MAURICE L. WILLIAMS, Trustee; and JOHNNY JACKSON, TRUSTEE,

Plaintiffs,

vs.

THAMAR E. WILLIAMS, et al.,

Defendants

WATTS-WILLOWBROOK CHURCH OF CHIST, a nonprofit corporation; MONA BOULEVARD COMMUNITY SERVICES, INC., a non-profit corporation, THAMAR E. WILLIAMS; MARY M. JOINER,

Cross-complainants,

vs

MAURICE L. WILLIAMS, et al.,

Cross-defendants.

Dear Mr. Sanders:

Please be advised that I, Johnny Jackson, am not a party in the lawsuit of WATTS-WILLOWBROOK CHURCH OF CHRIST, a non-profit religious corporation, and Maurice L. Williams, Trustee, Plaintiffs vs. Thamar E. Williams, an individual, Mary M. Joiner, an individual, MONA BOULEVARD COMMUNITY SERVICES, INC., a non-profit public benefit corporation, et., Defendants, namely Case No. TC010864.

This lawsuit was filed without my knowledge, consents and/or permissions. I had no prior knowledge of this lawsuit being filed until Friday, December 19, 1997 when Mrs. Mary M. Joiner called and informed me that I am a party to the above-reference lawsuit.

Please see my attached Declaration, dated December 22, 1997. I am deeply distressed, ashamed, and unhappy. I have no reasons whatsoever to take Mary M. Joiner, Thamar E. Williams, Mona Boulevard Community Services, Inc., nor the Watts-Willowbrook Church of Christ to court.

Please withdraw my name from this court action immediately.

Respectfully,

sJohnny Jackson

cc: Thamar E. Williams, Mary M Joiner, Mona Boulevard Community Services, Inc., Watts-Willowbrook Church of Christ

DECLARATION OF JOHNNY JACKSON IN REFERENCE TO CASE NO. TC010864

Filed on December 8, 1997

In the Superior Court of the State of California

For the County of Los Angeles

I, Johnny Jackson, declare and state:

1. Each of the matters set forth herein is known of my own personal knowledge; and if called as a witness, I could and would competently testify thereto:
2. I am not a party in the lawsuit of WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit religious corporation, and Maurice L. Williams, Trustee, Plaintiffs, vs. Thamar E. Williams, an individual, Mary M. Joiner, an individual, Mona Blvd. Community Services, Inc., a nonprofit public benefit corporation, etc. Defendants, namely Case No. TC010864.
3. This lawsuit was filed without my knowledge, consent and/or permissions.
4. I am very displeased and emotionally disturbed over the actions of Attorney Stanley Sanders representing the law firm of McKenzie, McGhee & Pryce State Bar N. 043671.
5. I never authorized Attorney Stanley Sanders, the Watts/Willowbrook Church of Christ nor Maurice l. Williams to file a lawsuit in my behalf. Nor did they discuss or consult with me to file this Lawsuit in my behalf.
6. I had no prior knowledge of this lawsuit being filed until Friday, December 19, 1997 when Mrs. Mary M. Joiner called and informed me that I was a party

to a lawsuit filed in the Los Angeles Superior Court against her, Thamar E. Williams and Mona Blvd. Community Services, Inc.

7. Maurice L. Williams called me in June of this year and had me to go with him to a notary to sign a Grant Deed adding Sherron E. Williams and Egerton Forster on the Grant Deed.
8. I am deeply distressed, ashamed and unhappy. I have no reason whatsoever to take Mary M. Joiner, Thamar E. Williams nor Mona Blvd. Community Services to court. I know of no reasons why the Watts-Willowbrook Church of Christ would do this and I wonder if the members of the Church are aware of this lawsuit.

I declare under a penalty of perjury that the foregoing is true and correct. Executed on this 22 day of December, 1997 at Los Angeles.

sJohnny Jackson

May 21, 1998
Attorney J. Stanley Sanders
Law Office of Stanley Sanders
2015 Wellington Road
Los Angeles, CA 90016-1924
Dear Attorney Sanders:

This letter is in response to our conversation on Tuesday, may 19, 1998 with you and Bobby Bright, in a three-way conference call regarding Case #TC010864 held in January 1998 in the Los Angeles Superior Court in Compton, California.

Please be advised that we want a reverse decision in the court action placed against Thamar E. Williams on January, 1998 in the case of the Watts-Willowbrook Church of Christ, a nonprofit corporation, Maurice l. Williams, Trustee, and Johnny Jackson, Trustee, Plaintiffs, vs. Thamar E. Williams, et al., Defendants. An injunctive relief was placed on Thamar E. Williams which resulted in a permanent restraining order against him and we want **this decision reversed immediately.**

You initiated this action on the behalf of the Watts-Willowbrook Church of Christ, Johnny Jackson and me without our approval. We have no intentions of being a part of this court action , nor do the Watts-Willowbrook Church of Christ. Please see attached declarations of Johnny Jackson and me.

We are also asking that you do a Quiet Title, placing the deeds of the church back to its original state showing Damon Williams, Maurice L. Williams and Johnny Jackson as Trustees of the church property.

Please take every thing out of court as it relates to

the Watts-Willowbrook Church of Christ, Johnny Jackson and me. **We cannot overemphasize our statement to you that the Watts-Willowbrook Church of Christ and its membership have no intentions of having a restraining order against Thamar E. Williams, Mary M. Joiner and Mona Blvd. Community Services.** We have confirmed to you by phone, now requesting and directing you in writing, that you , **un do or reverse the matter stated above.**

Your prompt attention to this matter is necessary and very much appreciated. **Please inform us in writing of your decision and actions relative to the above matter on or before Friday, June 15, 1998.**

Respectfully,

sMaurice L. Williams

Dr. Maurice L. Williams

Elder & Treasurer

12000 Bradfield Avenue

Lynwood, CA 90262

s/Bobby Bright, Deacon, sJoseph Ellis, Deacon,

DECLARATION
OF
MAURICE L. WILLIAMS

I, Maurice L. Williams, declare that the following statements are true and accurate, and if called upon, I will testify thereto;

1. In reference to the Case #TC010864, The Watts-Willowbrook Church of Christ, Maurice l. Williams, Johnny Jackson vs. Thamar E. Williams, Mary M. Joiner and Mona Blvd. Community Services, Inc., I have been under the doctors care and under medication and unaware that an injunctive relief (temporary or permanent) restraining order has been acted upon, initiated by me, Maurice L. Williams or Johnny Jackson, as trustees of the Watts Willowbrook Church of Christ until a conversation with Attorney Stanley Sanders on or about may 19, 1998.
2. The only type of restraining order that I was aware of against Thamar E. Williams, was one initiated by Commissioner Slick on August 21, 1997 that will end by August 21, 2000.
3. The Watts/Willowbrook Church of Christ and/or its membership has not authorized any person to institute a court action or a restraining order against Thamar E. Williams.
4. I understand that this court action may have been initiated by Egerton Forster, and if so, he did not have my approval, the approval of the members of the Watts/Willowbrook Church of Christ, nor was he ever a Board Member or officer elected by the members in accordance with the BYLAWS and "Appendix C."

Articles of the Watts/Willowbrook Church of Christ at the time of this court action or anytime prior to 1998. I am sorry for the pain that has been afflicted on all that has been involved in this litigation and wish to overturn any and all court action related to any allegations and charges against Thamar E. Williams on behalf of me and the Watts/Willowbrook Church of Christ.

5. Those who were elected on January 11, 1998 as members of the Board of Directors of the Watts/ Willowbrook Church of Christ were not candidates who were set forth by the membership of the Watts/ Willowbrook Church of Christ as their representative or Board members. The Watts/Willowbrook Church of Christ membership had no say so in this matter.

I declare under a penalty of perjury that the foregoing is true and correct.

Executed this 9th day of June , 1998 in the County of Los Angeles.

sMaurice L. Williams

Dr. M.L. Williams

NOTARY SEAL STAMP

JORGE ALFARO

COMM. #1154816

Notary Public - California

Los Angeles County

My Commission Expires Sept. 8, 2001

Witness by: Print name Jorge Alfaro Sign Name sJorge Alfaro, Address 11163 S. Atlantic City Lynwood St CA Zip 90262 Telephone (310) 537-6275.

"APPENDIX D."

STAMP
RECEIVED
CATHY A. CATTERSON, CLERK
U.S. COURTOF APPEALS
PASADENA OFFICE
JAN 26, 2001
FILED_____
DOCKETED_____
INITIAL

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

THAMAR E. WILLIAMS	Nos. 00-56940/Nos.00-57162
Appellant,	Case No.: Nos. 00-56563 Nos 00-56784
v.	
WATTS-WILLOWBROOK CHURCH OF CHRIST, et al.,	CD#CV-99-133564AHM Central California
Appellees.	(Los Angeles)

EMERGENCY MOTION
"Same day" or "Next Day"
[Cir.R.27-3(2); FRAP8 (a)(1)C)]

THE CRY FOR RELIEF

Circuit Judges; Beezer, O'Scannlain and Kleinfeld have been "Recused" on the grounds set forth "Appendix D."

in the Original Plaintiff's Brief. New evidence of the Judges' fix anticipatory pre-judgment "Decision" [To exclude any Motion of the Original Plaintiff for "Void Judgment"] represents Overt Act(s) of personal bias and conspiracy to obstruct justice and the administration of due process of law.

The Original Plaintiff, Thamar E. Williams, moves the Ninth Circuit Court's merits panel pursuant to Cir. R.27-3 (2); FRAP 8 (a)(1)C) for the Void [Judgment Rule 60 (b)(4) of all cases: Nos, 00-56563;00-56784;00-56940;00-7162;CV-99-13564; CV-00-223;CV-00224; CV-00-229 and CV-00-226 RELIEF. The Original Plaintiff contends that the District Court Judges were "Recused" under the California Law (170.6) at the time of their "Decisions" in the Absence of Jurisdiction. Please See **EXHIBIT "1" AND "2" of the attached Original Briefs.** The Original Plaintiff seeks "Same Day" or "Next Day" and Full Relief by Feb. 17, 2001. It is unconstitutional for this Court not to Grant Relief.

JURISDICTION

This Court of law has Jurisdiction over Void Judgment Motions [Fed.R.CIV.P.60(b)(4) as well as al the other issues discussed in Question number five of the Original Plaintiff Brief.

TIMELINESS

It is not required by law that a Void Judgment be a tolling motion. It can be made, up to a year. The Original Plaintiff could not present this Motion due to the Emergency Motion that was filed on Jan. 2, 2001. Brief was due on Jan. 18, 2001. This is the only time in

which the Original Plaintiff can present this Motion for Void Judgments.

THE DISTRICT COURT

This Motion was presented in the District Court and was Denied. Please see **EXHIBIT "5,"**VOID JUDGMENTS. The Original Plaintiff has requested of the Clerk a Designation of Court Records according to Law for this Motion. This Designation of Court Records request is contained as an Exhibit in the Emergency Motion that was filed on Jan. 2, 2001 and is made apart of this Motion by Reference. This Motion is not presented to this Court for Approval.

Respectfully Submitted,

Thamar E. Williams, pro se
4130 Carlin Avenue
Lynwood, CA 90262
(310) 635-1963

CERTIFICATE OF SERVICE

Case name: Thamar Williams v. Watts-Willowbrook
Case No.: 00-56563, No.: 00-56940, No.: 0056784, No.:00-57162

IMPORTANT: You must send a copy of ALL documents filed with the court and any attachments to counsel for ALL parties in this case. You must also file a certificate of service with this court telling us that you have done so. You may use this certificate of service as a master copy, and fill in the title of the document you are filing. Please list below the names and address of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the certificate of service to each of the copies and the copy you file with the court.

I certify that a copy of the EMERGENCY MOTION and any attachments was served, either in person or by mail, on the persons listed below.

s_____
Signature - Thamar E. Williams
Notary NOT required

Name	Address	Date Served
Maurice L. Williams	12000 Bradfield Lynwood, Ca 90202	1-19-01
S. Stanley Sanders	355 S. Grand, 35th Fl. LA, CA 90071	1-19-01

"Appendix D."

"APPENDIX E."

THE SUPERIOR COURT

John A. Clarke 111 No. Hill Street * L.A., CA 90012
Executive Officer/Clerk
Calendar Management Division
111 N. Hill Street, Room 109D
Los Angeles, CA 90012
(213) 974-5248
January 20, 2000
Thamar E. Williams
4130 Carlin Avenue
Lynwood, CA 90262
Re: CV 00-00224RAP (RCX)
Dear Mr. Williams:

The Superior Court has received your documents in the above-referenced Federal case. The paperwork includes several copies of a Notice of Removal, a document entitled Exhibit "2," and a Second Set of Interrogatories propounded by plaintiff. Upon review of the Court's records, we have determined that you have had three cases with the same case name in the Superior Court, BC17640, BC186723 and BC 195215, all of which have been dismissed.

The Court is returning to you all of your documents because the court is unable to determine which Superior Court case in which to file your notice. The Superior Court needs only the Notice of Removal; therefore, you need not send back any of your other ancillary documents.

Very Truly yours,
sLynne Gold
Assistant Division Chief
c:A.Acevedo, Division Chief

"Appendix E." i

"APPENDIX F."

AFFIDAVIT
FILED ON JANUARY 19, 2001
WITH THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
REF: CASES NOS. 00-56940/00-57162/00-56563
00-56784 & cd# cv-99-13564 AHM

1. I, Thamar E. Williams (the Original Plaintiff) being duly sworn or affirmed and "Certify" that immediate Irreparable Harm/Injury will occur if this Court does not Grant Relief from Void Judgment made by the Recused Judge A. Howard Matz in his Judgment and order for all Cases listed above. This Motion was presented in the District Court and the District Court did not Grant Relief. The Original Plaintiff contends that it is Unconstitutional for this Court and the District Court to not Grant Relief for Void Judgments. The District Court was "Recused" and became automatically "Disqualified" under the California Code of Civil Procedure Section 170.6. **Please See Exhibit "1."** That once an Affidavit of Prejudice has been filed under Code Civ. Proc. 170.6, the Court has no jurisdiction to hold further proceedings in the matter except to inquire into the Affidavit's timeliness or technical sufficiency under Stature [McCartney v. Commission on Judicial Qualifications, (1974)12 Col. 3d 512, 531-532, 116 Cal. Rptr. 260, 5226 P. 2d 268. The Original Plaintiff's Peremptory Disqualification of Judges] was "Timely." Therefore, the District Court made a "Decision" in the absence of Jurisdiction and the

Judgment is Void. This Court must Grant relief to the Original Plaintiff for this Void Judgment. **Please See Exhibit "5."** Trial Judges Recusal viewed as "Collateral" to basic issues [In re Cement Antitrust Litig. (MDLNo. 296) ____,673 F.2d at 1026].

2. The Original Plaintiff respectfully request that this Court renew the Emergency motion filed on Jan. 2, 2001 before the merits panel.

OBJECTIONS - This Court's personal prejudice and deep seated bias was an Obstruction of Substantial Justice and deprived the Original Plaintiff of the Administration of Due Process for the "Appropriate" Motion Unit. [General order Section 6.4(a)]. Please see **EXHIBIT "3"** Docket as of January 16, 2001. There are no Judges or names of Judges for the "Panel" Assignment. The original Plaintiff contends that Circuit Judges: Robert Boochever, Diarmuid F. O'Scannlain, and Kleinfield are conspiracy judges of the court to deny and deprive the Original Plaintiff of his Seventh Amendment Right to a fair trial. Overt act(s) of a "Deep" seated bias is seen in the Court unwillingness to adjudicate [The Twenty-six mix Questions of Law] "Claims" of the Original Plaintiff.

Therefore no "issues" are adjudicated so that all claims can be classified as "insubstantial" for Summary

disposition. It is a contradiction to classify a controversy [various Judges Ruling that Contradict each other Ruling] as "insubstantial." The Facts and Evidence as presented in the "Separate" and "Independent" Complaint verifies that the Original Plaintiff Claims [in the Los Angeles National Bank Case, See **EXHIBIT"6"**] and "Issues" are closed with Prejudice of which subsequent Ruling from other Courts of Law Contradicts the Ruling of the Los Angeles National Bank Case. Therefore, the term "Insubstantial" used by this Court is for the Conspiracy purpose of concealing evidence and suppressing evidence that is "Substantial."

OBJECTIONS: The Original Plaintiff Motions the Court that the Circuit judges' Decision to "Deny" Relief to the Original Plaintiff fails to state a claim upon which "Relief" can be granted [F.R.CP12(b)J(6)].

OBJECTIONS: The Original Plaintiff objects to the Courts "Decision" which contradicts the Supreme Court's Decision to not allow defendants to "EVADE" REVIEW. The Original Plaintiff incorporate all objections as contained in the Emergency Motion filed on Jan. 2, 2001.

OBJECTIONS: Circuit Judges, Beezer,

O'Scannlain, Kleinfeld have been "Recused" for their failure to "perform" a "judicial act" for the requested "Same Day" or "Next Day" Temporary Relief within 48-hour period. Notification of their Disqualification's was filed on Jan 18, 2001. See Attached Copy of Mailings as contained in the original Plaintiff's Briefs. The Original Plaintiff Recuses any Courts or Judges who attempts to make a decision or makes a decision based on their adjudication.

STATEMENT OF OPPOSITION TO SUMMARY DISPOSITION

Not only does the Original Plaintiff incorporate all of the above Objections as a Statement of Opposition to summary Disposition, but the Original Plaintiff also includes by Reference, all claims made in the Emergency Motion filed on Jan. 2, 2000 with Exhibits, alone with Brief and all requested file information of both State and Federal Court. Summary Disposition Surpresses and Conceals Evidence of the Conflict between the decision of the courts. In the Los Angeles National Bank Case No. BC193978, which is Federal Case # CV 00-0022, there were conflicts between the Decision of various courts because the Superior Court of the State of California allowed tow "Corporations" to exist at the SAME TIME UNDER THE SAME NAME, The "Watts-Willowbrook Church of Christ. The District Court and the Court of Appeals (9th Circuit) will not Litigate, mitigate, and Adjudicate this Conflict of Decisions. Because the Court has what the Original

Plaintiff call an "illegal Injunction" against the Original Plaintiff. The court's conspiracy uses UNUSED or NOT-USED Finding to Substitute for a Trial by Jury. This Overt Act is Unconstitutional. The District Court and the Ninth Circuit Refuses to Litigate the "Bogus Deed" executed by this self-appointed Board of which is the Grounds for their Injunction against the Original Plaintiff. CV 00-00225 prove that the defendants (10 member self-appointed Board) for the Watts-Willowbrook Church of Christ were "NOT" the Board of Directors and that their Attorney J. Stanley Sanders, had full knowledge of their Bogus Claims as shown in the signed "Interrogatories" see **EXHIBIT "10"** of the Complaint.

Therefore, the overt act of Conspiracy of this Court is seen in the "deed seated" bias statement "because the questions raised on Appeal are so insubstantial as not to require further argument" see Order of Jan. 12, 2000 as **EXHIBIT "3."** It is a contradiction to state no further argument is necessary when the entire Appeal depends on the litigation, mitigation and adjudication of the Twenty Six mix questions of Law.

OBJECTIONS: The Original Plaintiff objects to the courts' [with the exception of the Los Angeles National Bank Case v. Thamar Williams, et.al] aiding and abetting defendants by refusing to litigate, mitigate and adjudicate the Twenty-Six Mix Questions of Law. This overt Act(s) constitute and Obstruction of Justice and the Administration of Substantial Due Process of law. The Original Plaintiff contends that judge(s)

have acted outside of their Adjuditory position and do not have Eleventh Amendment immunity to claims for Injunctive Relief, acting in the clear absence of all jurisdiction and for not performing a judicial act. See [Stump v. Sparkman, 435 U.S.349,356-57, 360 (1978)]. Judges in violation of this Conspiracy includes, but not limited to the following: The Honorables; Slick, Huoshi Frjsaki, Morgan, Rose Hom, John Ouderkirk, Ross, Thomas Thasher, Sr., Block, Metzs, Beezer, O'Scannlain and Kleinfeld

OBJECTIONS: To the Court Order filed on Jan. 16, 2001 for No. 00-56940 and No. 00-5i7162 to have a fixed anticipatory decision to not Grant Relief for Rule 60(b)(4). This Overt Act is Unconstitutional. The Courts decision states "Notice of Appeal filed Nov. 15, 2000 in this docket shall be filed as an Amended notice of Appeal in Appeal No. 00-56563." Therefore, Amended Notice of Appeal filed on December 15, 2000 has been excluded from all Orders.

OBJECTIONS: The Original Plaintiff Objects to the State Superior Courts failure to transfer file information according to the Law after Personal Process of Service was effected. Pursuant to 5 USCA Section 552(a)(4)(b) (Freedom of Information Act) the District Court has jurisdiction "To enjoin the agency from withholding agency records and to order the production of any agency records improperly held from the Complainant." Please see **EXHIBIT "2."** The Recusals of the California

Superior Court for not sending records to the Federal Court. New Evidence of Recusal is not evident that the Circuit Judges have made "decisions" without complete adequate records. This overt Act is a deep seated Bias of the judge(s) and personal prejudice to make decisions based on suppressed and concealed evidence. This Issue is Appealable. [In Re Steele, 797 F. 2d 461, 465 (9th Cir. 1986)].

This Emergency Motion for Void Judgments is based on the Motion Paper filed in the District Court, the Designation of Court Records and other documents as Contained in the Emergency Motion filed on Jan. 2, 2001, the Original Plaintiff Brief filed on Jan. 18, 2001, Affidavit of the Original Plaintiff, Separate and Independent Complaint, together with any arguments and evidence that may be presented to the Hearing of this Emergency Motion. All Emergency Motion have been communicated to the defendants as indicated in the file records.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-19-01 in the County of Los Angeles.

s_____

Thamar E. Williams, pro se
4130 Carlin Avenue
Lynwood, CA 90262

"APPENDIX G."

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No.CV00-223 AHM (RNBx)Dated:Nov. 29,2000
Title: Thamar Williams v. Watts-Willowbrook Church of Christ, et al.

DOCKET ENTRY

PRESENT: THE HON. A. HOWARD MATZ, JUDGE

Milli Borgarding	None
Courtroom Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
ATTORNEYS PRESENT FOR DEFENDANTS:
No Appearance

PROCEEDINGS: IN CHAMBER

The Court previously remanded this case to state court. Under *Seedman v.United States District Court,* 837 F.2d 413, 414 (9th Cir. 1988), the Court's Order Remanding Action to State Court filed on March 20, 2000 divested it of jurisdiction. The Court therefore directs the Clerk to place the motion papers filed on N November 15, 2000 in the file. The Court need make no decision and there shall be no hearing on the purported motion. The Court further directs the Clerk to circulate this order to Thamar E. Williams, who is hereby advised that if he continues to file documents in this case, he may be subject to sanctions.

IT IS SO ORDERED.

MINUTES FORM 11 Initials of Deputy Clerk__
CIVIL - GEN
S:\SED\WILLIAMS v WILLOWBROOK CHURCH\00-223 Min Ord re No Jur over RGO Mot.wpd

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No.CV00-224 AHM (RNBx)Dated:Nov. 29,2000
Title: Thamar Williams v. Watts-Willowbrook Church of Christ, et al.

DOCKET ENTRY

PRESENT: THE HON. A. HOWARD MATZ, JUDGE

Milli Borgarding	None
Courtroom Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
ATTORNEYS PRESENT FOR DEFENDANTS:
No Appearance

PROCEEDINGS: IN CHAMBER

The Court previously remanded this case to state court. Under *Seedman v.United States District Court,* 837 F.2d 413, 414 (9th Cir. 1988), the Court's Order Remanding Action to State Court filed on March 20, 2000 divested it of jurisdiction. The Court therefore directs the Clerk to place the motion papers filed on November 15, 2000 in the file. The Court need make no decision and there shall be no hearing on the purported motion. The Court further directs the Clerk to circulate this order to Thamar E. Williams, who is hereby advised that if he continues to file documents in this case, he may be subject to sanctions.

IT IS SO ORDERED.

MINUTES FORM 11 Initials of Deputy Clerk__
CIVIL - GEN
S:\SED\WILLIAMS v WILLOWBROOK CHURCH\00-224 Min Ord re No Jur over RGO Mot.wpd

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No.CV00-226 AHM (RNBx)Dated:Nov. 29,2000
Title: Thamar Williams v. Watts-Willowbrook Church of Christ, et al.

DOCKET ENTRY

PRESENT: THE HON. A. HOWARD MATZ, JUDGE

Milli Borgarding — None
Courtroom Clerk — Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
ATTORNEYS PRESENT FOR DEFENDANTS:
No Appearance

PROCEEDINGS: IN CHAMBER

The Court previously remanded this case to state court. Under *Seedman v.United States District Court,* 837 F.2d 413, 414 (9th Cir. 1988), the Court's Order Remanding Action to State Court filed on March 20, 2000 divested it of jurisdiction. The Court therefore directs the Clerk to place the motion papers filed on N November 15, 2000 in the file. The Court need make no decision and there shall be no hearing on the purported motion. The Court further directs the Clerk to circulate this order to Thamar E. Williams, who is hereby advised that if he continues to file documents in this case, he may be subject to sanctions.

IT IS SO ORDERED.

MINUTES FORM 11 Initials of Deputy Clerk__
CIVIL - GEN
S:\SED\WILLIAMS v WILLOWBROOK CHURCH\00-226 Min Ord re No Jur over RGO Mot.wpd

"APPENDIX H."

STAMP
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F I L E D
COMPTON JUDICIAL DISTRICT
FEB. 14 2000
TIM R. AGUILAR
TRIAL COURT ADMINISTRATOR
BY_____Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
SOUTH CENTRAL DISTRICT

WATTS-WILLOWBROOK CHURCH OF CHRIST,	CASE NO. TC010864
Plaintiff,	**JUDGMENT AND**
v.	**ORDER GRANTING**
THAMAR WILLIAMS, ET.AL	**INJUNCTION**
Defendants.	**DIVISION: 5**
AND RELATED CROSS-ACTIONS	**TIME: 9:00 A.M.**
	DATE: FEB. 1,2000

This action came on regularly for trial by court on Feb. 2, 2000, in Division 5a of the above-entitled court, the hon. Ellen C. Deshazer, presiding, sitting without a jury, a jury having been waived. Plaintiff appeared by its counsel of record, J. Stanley Sanders, Esq., attorney for plaintiff, and there was no appearance by defendants. Oral evidence having been presented by plaintiff, the cause having been argued and submitted for decision,

IT IS ORDERED, ADJUDGED, AND DECREED that

1. That plaintiff Watts-Willowbrook Church

of Christ have judgment against defendants Mary M. Joiner, an individual and Mona Boulevard Community Services, Inc., a nonprofit corporation, on plaintiff's third cause of action for permanent injunction, and that it is hereby ordered that Thamar E. Williams, Mary M. Joiner and Mona Boulevard Community Services, Inc. are enjoined permanently from entering upon the premises and real property of Watts-Willowbrook Church of Christ, and any and all appurtenances thereto, at 13204 Mona Boulevard, Compton, California.

2. That cross-defendants Maurice L. Williams, Allen Harris, Bobby Bright, Chester Jones, Egerton Foster, Lionel Spears, Lloyd Phillips, Sherron E. Williams, John L. Williams and Vernon Read, each of them, have judgment against cross-complainants Thamar E. Williams, Mary M. Joiner and Mona Boulevard Community Services, Inc., a nonprofit corporation, on the cross-complaint filed in this matter.

3. That the First and Second Causes of Action of plaintiff's complaint are dismissed without prejudice.

DATED: February 14, 2000

sEllen C. Deshazer

THE HONORABLE ELLEN C. DESHAZER

JUDGE OF THE SUPERIOR COURT

"APPENDIX I."

STAMP

Priority____x__
Send ____x__
Enter ____x__
Closed ____x__
JS-5/IS-6_____
JS-2/JS-3_____
Scan Only_____

STAMP
FILED
CLERK U.S.
DISTRICT COURT
OCT. 5, 2000
CENTRAL
DISTRICT OF
CALIFORNIA
S_____
BY DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THAMAR E. WILLIAMS, Plaintiff,

vs.

WATTS-WILLOWBROOK CHURCH OF CHRIST, et, AL., Defendants.

Case No. CV 993564 AHM (RNB)

ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff's motion/application for preliminary injunction, etc., filed on September 12, 2000, is DENIED as moot. This action was dismissed without prejudice on September 6, 2000, and a Judgment to that

effect was entered on September 7, 2000.

DATED: October 5, 2000

s A. Howard Matz
UNITED STATES DISTRICT JUDGE

Presented by:

s Robert N. Block
United States Magistrate Judge

STAMP
ENTERED ON ICMS
OCT 6, 2000
CV s_____ 49

"APPENDIX J."

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/13/99 **DEPT. A**

Honorable Rose Hom Judge R. CASAREZ,Deputy Clerk

Hon. JUDGE PRO TEM ELECTRONIC

NONE Deputy Sheriff NONE Reporter

TC010864 Plaintiff

WATTS-WILLOW-BROOK CHURCH OF CHRIST COUNSEL

No Appearances

VS Defendant

THAMAR E. WILLIAMS et al., & Related Cross-Action; Case assigned to Judge Hom; Judge Fruin having recused himself. Counsel

---

NATURE OF PROCEEDINGS:

TRANSFER OF ACTION FOR RE-ASSIGNMENT PURSUANT TO SECTION 170.3(c) (5) CODE OF CIVIL PROCEDURE Pursuant to Section 170.3(c) (5) of the Code of Civil Procedure, and based on counsel and Mr. Thamar William's failure to agree upon a Judge to resolve issue of Judge Rose Hom's recusal, matter is transferred to Department One, Civil Courthouse, for re-assignment to another county.

TRIAL date of November 2, 1999, 9:00 a.m. in this Department to stand.

Copy of minute order mailed this date as follows:

J. STANLEY SANDERS
355 So. Grand Ave. 35 Fl
L.A., CA 90071-1560

MARY M. JOINER
6746 S. Garth Ave.
L.A., CA 90056

THAMAR E. WILLIAMS
4130 Carlin Avenue
Lynwood, CA 90262

MAURICE L. WILLIAMS
12000 Bradfield Avenue
Lynwood, CA 90262

Page 1 of 1 DEPT. A **MINUTES ENTERED**
10/13/99
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/13/99 **DEPT.** SC

Honorable Rose Hom Judge J. KAMIDA Deputy Clerk

Hon. JUDGE PRO TEM ELECTRONIC

Hon. R. Rodrigues Deputy Sheriff C. Roam Reporter

9:00 am TC010864 Plaintiff

WATTS-WILLOW-BROOK CHURCH OF CHRIST COUNSEL No Appearance

VS Defendant

THAMAR E. WILLIAMS et al., & Related Cross-Action; Case assigned to Judge Hom; Judge Counsel

---

NATURE OF PROCEEDINGS:

COURT ORDER;

The Court is in receipt of the decision by the Honorable Thomas N. Thrasher, Sr. made on November 22, 1999 which addresses the Motion to Disqualify filed by Thamar Williams on September 24, 1999 and answered by the Honorable Rose Hom on October 1, 1999.

A second Motion to Disqualify was filed by Thamar Williams on October 19, 1999 and answered by the Honorable Rose Hom on October 29, 1999. This matter was transferred to Department 1 on November 8, 1999 for reassignment and yet to be decided.

A third Motion to disqualify was filed by Thamar Williams on November 1, 1999. The Court struck the declaration or counter affidavit by the order filed Nov. 12, 1999.

This matter is re-transferred to Department 1 for reassignment and resolution of the October 19, 1999 Motion to Disqualify.

Case file is sent this date via County Messenger to Elliot Monka, Assistant Division Chief, Central District, Civil Courts Courthouse, Room 109D.

Note: The Court is in receipt of Declaration of Objections filed by Thamar on December 8, 1999.

Page 1 of 2 DEPT. SC A **MINUTES ENTERED**
12/13/99
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/21/99 **DEPT. 48**

Hon.John W. Ouderkirk,Judge J.BESINAIZ Deputy CLERK

Hon. JUDGE PRO TEM ELECTRONIC RECORDING

8 MONITOR

S. COVARRUBIAS Deputy Sheriff

NONE Reporter

9:00 am BC195215 Plaintiff

THAMAR E. WILLIAMS COUNSEL No Appearance

VS Defendant

WATTS-WILLOWBROOK Counsel

CHURCH OF CHRIST

NATURE OF PROCEEDINGS:

CASE REVIEW AO

The Court finds that a "Declaration of Objection to the Court's Order to Dismiss Case and Conter Affidavit of New Evidence of the Judge's Deep Seated Bias and the Prejudice of the California Superior Court which are Grounds for Disqualification and Recusal Based on their overt Acts that are Inconsistent with the 14th Amendment of the U.S. Constitution, or Overt Act(s) that Conflict with or contradicts the Evidence" has been filed on December 16, 1999. Therefore, the Court signs and has filed an "Order Striking Statement of Disqualification" this date.

A copy of this minute order and "Order" are sent via U.S. mail this date to plaintiff as addressed below:

Thamar Williams
4130 Carlin Avenue
Lynwood, CA 90262
Page 1 of 1 DEPT. 48 **MINUTES ENTERED**
12/21/99
COUNTY CLERK

Supreme Court, U.S.

001827 MAY 17 2001

OFFICE OF THE CLERK

No.

In The

SUPREME COURT OF THE UNITED STATES

Thamar E. Williams
Petitioner

v.

Watts-Willowbrook Church of Christ,
a nonprofit corporation; et al.,
Respondents

TO THE UNITED STATES COURTS OF APPEAL FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI
SUPPLEMENTAL
APPENDIX

Thamar E. Williams, pro se
4130 Carlin Avenue
Lynwood, California 90262
(310) 635-1963

67PP

FORWARD

At the request of the Court's Clerk, Jeff Atkins, the Original Plaintiff, Thamar E. Williams was asked to submit to the Court a Supplemental Appendix containing the "Report" of the Honorable Magistrate Judge, Robert Block which was adopted by the District Court, The Honorable Judge Howard Matz, per a "PLACED IN FILE-NOT USED (ORDER)." As of May 17, 2001, the Clerk of the Court granted a two week extension from the 90 day deadline to May 24, 2001 [which date extended from the last decisions (February 16, 2001) of the Ninth Circuit Court on the last two Category of cases as presented in Appendix A].

This "Report" was not submitted, in that, the contested facts and issues as contained in this "Report" reflects the overt acts of conspiracy, personal bias and deep seated prejudice of the Courts' to deny and deprive the Original Plaintiff of a "Fair" Trial by Jury as "Demanded" for his "Separate" and "Independent" $5,000,000.00 Damage Complaint.

Therefore, the U. S. Supreme Court is hereby made aware of the Original Plaintiff's Peremptory Challenges pursuant to the California Code of Civic Procedure Section 170.6 in the file records of both the Ninth Circuit Court and also in the District Court's file records. These Peremptory Challenges "Recuses" and Automatically Disqualify any

judge(s) or court(s) of law respectively which attempts to make a "decision" or make a decision (an overt act of deep seated prejudice) that denies or deprives the Original Plaintiff of "Substantive" Due Process, common law or private rights, privileges, or liberty(ies) as a United States Citizen to have a fair Trial by Jury. "Grounds" are based on their "prejudice deprivation" of the Equal Access Act, the First Amendment, the Fifth Amendment, the Fourteenth Amendment and the Seventh Amendments of the United States Constitution. This Conspiracy is Unconstitutional.

The Original Plaintiff has also included the orders of the Honorable Judge Morgan, which establishes a new law to increase the number of Trustees of the Watts-Willowbrook Church of Christ from "three" to "ten." The Articles of Incorporation are contained as an "Exhibit" within the Complaint, certifying only "three" Trustees per "Election."

The Original Plaintiff respectfully submit this Supplemental Appendix as there is no other source of "Relief" from Deprivation of Substantive Due Process. It is the Original Plaintiff's "Prayer" that the United States Supreme Court will act in the interest of Justice to award the Original Plaintiff $5,000,000.00 for Damages as contained in the Causes of Action or grant a fair trial by Jury as a protected private right for all United States Citizens.

INDEX TO SUPPLEMENTAL APPENDICES

APPENDIX K-REPORT ADOPTED BY THE "PLACED IN FILE - NOT USED ORDER" OF THE HONORABLE MAGISTRATE JUDGE ROBERT BLOCK

APPENDIX L-ORIGINAL PLAINTIFF'S AFFIDAVIT OF OBJECTIONS TO THE ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE; AND JUDGMENT

APPENDIX M-NOTICE OF RULING AND ORDER OF HONORABLE JUDGE JACK MORGAN AND PRELIMINARY INJUNCTION

APPENDIX N-ORIGINAL PLAINTIFF'S OBJECTIONS TO THE ORDER OF HONORABLE JUDGE MORGAN AND THE ELECTION RESULTS

APPENDIX K

STAMP
FILED
CLERK, U.S. DISTRICT COURT
JUN 12 2000
CENTRAL DISTRICT OF CALLIFORNIA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THAMAR E. WILLIAMS, Case No. CV 99-13564
Plaintiff, AHM (RNB)
Vs.
WATTS-WILLOWBROOK CHURCH OF CHRIST et al., Defendants,

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

This Report and Recommendation is submitted to the Honorable A. Howard Matz, United States District Judge, pursuant to 28 U.S.C. Section 636 and General Order 194 of the United States District Court or the Central District of California.

PROCEEDINGS

Plaintiff, proceeding pro se, filed this action on December 29, 1999, seeking damages, declaratory and injunctive relief as a result of an alleged conspiracy among the thirty-one named defendants, acting in concert with several judges and at least one commissioner of the California State courts, to seize corporate control of the Watts-

Willowbrook Church of Christ in Compton California ("the Church"); oust plaintiff from his position as minister, director, trustee and CEO of the Church; and slander plaintiff's good name and reputation in the community.

The operative pleading is plaintiff's original Complaint ("Comp."), a rambling 111 page document accompanied by several hundred pages of exhibits in which, as best the Court can glean; plaintiff is raising thirteen separate claims.[1] Several of plaintiff's claims appear to raise issues arising solely under state law. These claims (collectively the "State Law Claims") are: (1) "corporate takeover" of the Church in violation of the articles of incorporation and by-laws (Comp. At 16-17); (2) defamation (Comp. At 819-91); (3) conversion (id.); (4) breach of fiduciary duty (id.); and (5) interference with contract (id.) . Plaintiff's remaining claims are all grouped under the general category of alleged violations of due process and equal protection of the laws. These claims (collectively the "Federal; Claims") are: (1) various actions of the California State courts in five

[1] Although plaintiff divides his Complaint into what he labels as ten separate "causes of action," several of these "causes of action" are redundant, while others contain several claims under one heading. In an effort to address the issues raised herein, the Court has chosen to look beyond plaintiff's somewhat artificial headings and describe the gravamen of plaintiff's claims.

separate law suits which plaintiff claims were in violation of federal law (Comp. At 29-45; 67-69; 75-76; (2) "conversion" by a fraudulently elected Board of Directors of the Church and its property (Comp. At 48); (3) defamation (Comp. At 48; 76-81); (4) "acts of violence" perpetrated by defendants against plaintiff and his family (Comp. at 48); (5) termination of plaintiff as minister of the Church in violation of a contract of employment (Comp. at 58-59); (6) "overt acts of conspiracy" to wrongfully seize control of the Church (Comp. at 60); (7) interference with a court-ordered election for Board of Directors of the Church (Comp. at 69-72; 75); and (8) fraud, deceit and perjury to gain control of the Church (Comp. at 72-76).

The named defendants are:

(1) The Watts-Willowbrook Church of Christ. Apparently, plaintiff is suing the Church as it is not constituted, i.e. post-"takeover."

(2) The "ten-member renegade Board of Directors" of the Church ("the "ten-member board"): Maurice L. Williams, Johnny Jackson, John L. Williams, Allen Harris, Chester A. Jones, Egerton Forster, Sherron E. Williams, Lloyd Phillips, Bobby Bright and Vernon Reed.

(3) Those individuals who "acted in

concert" with the ten-member board: Frank Devereaux, Lionel Spears, Alice Harris and Prince Emedon.

(4) Two attorney defendants: J. Stanley Sanders, original attorney for the ten-member board of directors and (currently for all defendants herein); and Michael Sinkov, plaintiff's former attorney.

(5) The Mona Blvd. Church of Christ Arbitration Committee, which was composed of various church leaders representing their respective congregations throughout the greater Los Angeles area, and included the following named defendants: Billy Curl, O.J. Dyson, Ellis Lewis, Sr., Herman Thompson, Carl Baccus, J.C. Thomas, and the Crenshaw, La Puente, Normandie, South Side, Mission Blvd. and Avalon Church of Christ.

(6) Dyson Enterprises, a private business owned by defendant O. J. Dyson, which allegedly distributed defamatory information about the plaintiff.

Beginning on February 18, 2000, plaintiff filed a series of affidavits and requests for entries of default against the various defendants in this case. After each of plaintiff's requests, the clerk duly entered defaults against the appropriate defendants.

On March 30, 2000, defendants collectively filed a Motion to Set Aside Default. Plaintiff filed an opposition to the motion April 17; and defendants filed a reply to plaintiff's opposition on April 2, 2000.

For the reasons discussed here after, the Court now recommends that defendants' Motion be granted. The Court further recommends that this action be dismissed on jurisdictional grounds.

SUMMARY OF PLAINTIFF'S ALLEGATIONS

Plaintiff, along with his father, established the Willowbrook Church of Christ in Los Angeles in the late 1960's. Comp. at 76). In 1970, the Willowbrook Church of Christ merged wt he Watts Church of Christ become the Watts-Willowbrook Church of Christ. Both churches had been established by members of plaintiff's family. (Id.). From the beginning, Plaintiff was a member of the Board of Directors as well as the minister of the new Church. (Comp. at 77). The Watts-Willowbrook Church of Christ has become over the years synonymous with plaintiff and his ministry work. (Id.).

The essence of plaintiff's case is that the named defendants colluded with several state court judges (not named as defendants) in the following lawsuits to deny plaintiff due process and to facilitate the takeover of the Church.

(1) "The Domestic Violence Case, " Case No. TD 16082. In this case, plaintiff sought a restraining order against certain defendants. At a hearing on the matter, the state court issued a "stay away order" against plaintiff, ordering him to stay at least one hundred yards away from certain of the defendants and prohibiting him from entering the Church premises. (Comp. at 30-39; Ex. 14). Plaintiff contends the state court's order violated plaintiff's rights to due process because it was issued without a summons and complaint and without notice. (Comp. at 40-41). Plaintiff further contends the stay away order violated his First Amendment right to free exercise of his religious beliefs by prohibiting him from going to his church. (Comp. at 39). Finally, plaintiff contends the order was issued in violation of certain unspecified local court rules, was a result of collusion between the defendants and the court, and was improperly issued by a commissioner instead of a judge despite plaintiff's refusal to agree to having the matter heard by a commissioner. (Comp. at 39-41). Plaintiff asks this Court to "rescind and dismiss the prejudice" the stay away order issued on August 21, 1997, against

plaintiff. (Comp. at 40; 93).

(2) "The Quiet Title Action, " Case No. TC 010 864. This case involves an allegedly "bogus grant deed" executed by several members of the ten-member board in a fraudulent effort to acquire title to the church property. (Comp. at 41-43). Among other things, plaintiff contends the trial court wrongfully set a trial date in this matter prior to the completion of discovery in violation of plaintiff's due process rights. (Comp. at 46). Plaintiff asks Court to determine whether the grant deed executed by defendants was valid and to rescind all orders of the Superior Court this matter. (Comp. at 43; 54-56; 67-69).

(3) "The Forcible Detainer Action," Case No BC 180 866. Plaintiff claims his due process rights were violated by the judge's decision that the ten-member board, as opposed to the "true seven-member board" of which plaintiff was a member, was the true Board of Directors of the Church, and hence entitled to possession of the Church property. (Comp. at 18-20; 44). Plaintiff asks this Court to rescind the state judge's order declaring the ten-member board the true Board of Directors of the Church.

Comp.at16).

(4) "The Breach of Contract Case," Case No. BC 195 215. This is a claim for breach of plaintiff's employment contract with the Church. (Comp. at 44; Exh. 9). The plaintiff appears to be claiming that a default judgment was entered in his favor in this case, which was later vacated. (Comp. at 21-24). Plaintiff claims his due process rights were violated when defendant Egerton Forster (a member of the ten-member board) was recognized as a proper agent for service of process of the Church, thus (apparently) allowing defendants to file an answer in this case. (Id.). Plaintiff asks this Court to rescind and vacate the state court's order vacating the default judgment nunc pro tunc, and reinstate the judgment entered I n his favor in this case based upon plaintiff's contention that Egerton Forster was not a proper agent for service of process of the Church. Id.).

(5) Cross-Complaint in the Breach of Contract Case. The posture of this case is not entirely clear from plaintiff's description of it in the complaint. It appears that the ten-member board, either individually or collectively, filed a cross-Complaint in plaintiff's breach of contract

Case claiming that plaintiff had defrauded the Church. Plaintiff contends his due process rights were violated by certain orders and decisions entered in this and other cases in state court that recognized he authority of the ten-member board to file a cross-complaint on behalf of the Church. (Comp. at 44-45.

(6) Los Angeles National Bank v. The Watts-Willowbrook Church of Christ and Thamar Williams, Case No. BC 193 978. This case apparently concerns a challenge by the ten-member board to plaintiff's attempt to secure a $250,000 line of credit for the bank using the Church property as collateral. (Comp. at 45; Exh. 7). It appears that plaintiff is disputing the defendants' allegations against him in this case.

DISCUSSION

A. **Defendants motion for relief from default should be granted.**

Federal Rule of Civil Procedure 55 © allows the Court to set aside an entry of default for "good cause." Fed. R. Civ. P. 55 ©. "As practical matter,... when considering a motion to set aside a default entry, the parallels between granting relief from a default entry and a default judgment encourage utilizing the list of grounds for relief provided in

[Fed. R. Civ. P.] 60 (b)," Hawaii Carpenters' Trust Funds v. Stone, 794 F.2d 508, 513 (9th Cir. 1986). Rule 60 (b) allows the Court to deny relief from a default judgment if "(1) the defendant's culpable conduct led to the default, (2) the defendant has no meritorious defense, or (3) the plaintiff would be prejudiced if the judgment is set aside." Price v. Seydel, 961 F.2d 1470, 1473 (9th Cir. 1992).

The rules providing for relief from default are "remedial in nature, ... [and] must be applied... {D]efault judgments are generally disfavored and cases should be decided on their merits....[W]here defendant seeks timely relief from [default] and has a meritorious defense, doubt, if any, should be resolved in favor of the motion to set aside the [default]." Meadows v. Dominican Republic, 817 F.2d 517, 521 (9th Cir.) (internal citations omitted) (interpreting the more stringent requirements of Rule 60(b) relief from default judgment), stay denied, 484 U.S. 951, cer. Denied, 484 U.S. 976 (1987).

Here, defendants have shown the default was not caused by any culpable conduct on their part. In their motion to set aside default, defendants explain that their attorney (who is also a defendant in this case)

was under the mistaken belief that all or substantially all of the many defendants in this case were served by substitute service under California law as permitted by Fed. R. Civ. P. 4(e) (1), rather than by personal service. (Declaration of J. Stanley Sanders "Sanders Decla." At paragraph 3). According to defense counsel, he mistakenly believed that plaintiff had not perfected substitute service of process o n all defendants, and he thus waited to file an Answer. (Id. At par. 5). Defense counsel contacted plaintiff on March 2, 2000, but refused to give counsel any information concerning service of process or to inform counsel that he already had requested entry of default. (Id.). Counsel attempted to file an Answer on March 10, 2000, but default already had been entered against defendants at that time, so the clerk refused filing of the answer. (Id.).

In his Opposition to the Motion to Set Aside Default, plaintiff simply alleges that defendants were personally served. Plaintiff does not address defendants' claim that the default was caused by counsel's mistaken belief that defendants had been served by substitute service. Nor does plaintiff dispute defendants allegation that counsel contacted plaintiff and that plaintiff refused to provide

any information concerning service. Finally, plaintiff nowhere states how he would be prejudiced by setting aside the default other than the implicit and obvious contention that he would be deprived of the windfall of a default judgment in his favor.

Relief from entry of default has been granted when the default was due to a mistake by counsel as to the applicable procedural rules concerning the time within which to answer. See e.g. Canfield v. VSH Restaurant Corp., 162 F>R.D. 431 (N.D.N.Y 1995) (default was the result of a mistaken belief that service of documents upon one defendant did not amount to formal service but instead related to plaintiff's prior request for waiver of service); Hanley v. Volpe, 48 F.R.D. 387 (E.D. Wis. 1070) (mistaken belief on the part of defendant's counsel that appearance and filing of motion to dismiss relieved him of obligation to answer within proscribed time sufficient to set aside default); Moran v. Mitchell, 354 F. Supp. 86 (E.D. Va. 1973) (entry of default set aside when default had been entered as a result of defense counsel's mistaken belief that he had 15 days in which to file a responsive pleading); Riley v. Allstate Ins. Co., 166 F.R.D. 374 (E.D. La. 1996) (default as a result of mistaken belief that

claim had been settled). Here, the default was caused by a similar, non-culpable, mistake of counsel concerning the effect of service on the time within which to file an Answer.

Moreover, as will be discussed in more detail in this Report and Recommendation, defendants have a meritorious defense to this action. See e.g. Cross v. Fong Eu, 430 F. Supp. 1036, 1042 n.8 (N.D. Cal. 1977) (default set aside based in part on the obvious merit of defendant's position as evidenced by court's decision to grant a motion to dismiss); Grant v. City of New York , 145 F.R.D. 325, 326 (S.D.N.Y. 1992) (default set aside despite finding that default was a result of counsel's willfullness where evidence indicated a meritorious defense).

Finally, the Court finds that plaintiff will not be prejudiced by setting aside the default. Not only have defendants promptly move to set aside the default in this case and provided the Court with an adequate explanation for their failure to file a timely answer, but the obvious and serious flaws in this case discussed infra make entry of default judgment impractical to say the least.

For the foregoing reasons, the Court recommends that defendants' Motion to Set Aside Default be granted.

B. **To the extent that Plaintiff merely is seeking direct review of State court decisions, his claims should be dismissed for lack of subject matter jurisdiction.**

It appears that the most of the issues raised by plaintiff's rambling and nearly incoherent complaint concern matters which already have been adjudicated by the California State courts or are the subject of currently pending state litigation. To the extent that plaintiff merely is seeking direct review in this Court of final decisions of the state courts, the Rocker-Feldman doctrine prevents the Court from addressing those claims. The Rocker-Feldman doctrine, derived from two United State Supreme Court opinions separated by sixty years, provides that Federal district courts may exercise only original jurisdiction; they may not exercise appellant jurisdiction over state court decisions. District of Columbia Court of Appeals v. Feldman, 460 U.S.462, 482-486, 103 S. Ct. 1303, 75

L.Ed. 2d 206 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-416, 44 S. Ct. 149, 68 L. Ed. 362 (1923.[2]

Rooker involved an appeal from a decree of a federal district court dismissing for lack of jurisdiction a bill in equity for relief from a state court judgment that was claimed to violate the Contract Clause, the Due Process Clause and other federal prohibitions. The Supreme Court affirmed the decree stating that "[u]nder the legislation of Congress, no court of the United States other than [the United States supreme Court] could entertain a proceeding to

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[2] Since the Rooker-Feldman doctrine proscribes federal court jurisdiction over collateral challenges to state court judgments, it cannot be waived and the court has an obligation to raise the issue sua sponte. See Worldwide Church of God v. McNair, 805 F. 2d 888, 890 (9th Cir. 1986) (discussing appellate court's duty to raise jurisdictional issues sua sponte); see also Garry v. Geils, 82 F.3d 1362, 1364 (7th Cir. 1996) (Rooker-Feldman cannot be waived and must be raised by the court sua sponte); Jordahl v. Democratic Party of Va., 122 F.3d 192, 197 n. 5 (4th Cir. 1997) ("district court appropriately sua sponte raised rooker-feldman"), cert. Denied, 522 U.S. 1077 (1998); Doctor's Assocs. V. Distajo, 107 F.3d 126, 137 (2d Cir.), cert. Denied, 522 U.S. 948 (1997).

reverse or modify the [state court] judgment for errors" of constitutional law. Id. At 416.

In Feldman, the plaintiff sought to challenge in the federal district court a decision rendered by a state court refusing to grant plaintiff a waiver of a certain bar admission rule. The Supreme Court held that although the plaintiff could challenge the constitutionality of the rule in federal court, he could not challenge "state-court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court's action was unconstitutional." Id. at 486.

In analyzing whether a federal district court has jurisdiction to hear a particular constitutional challenge, the court must determine whether the constitutional claims are "inextricably intertwined" with the state court's rulings in a particular plaintiff's state case. See Id. at 483-484 n. 16 (stating that "[I]f the constitutional claims presented to a United States district court are inextricably intertwined with the state court's [decision], then the

district court is in essence being called upon to review the state-court decision"); see also McNair, 805 F.2d at 892.

Here, the bulk of plaintiff's claims concern specific challenges to specific state court rulings made in specific cases, and thus plaintiff's constitutional claims are "inextricably intertwined" with the state courts' decision in the above-described law suits. For example, plaintiff explicitly asks the court to (1) "rescind and dismiss with prejudice" the stay away order issued against plaintiff in the Domestic Violence Case (Comp. At 40; 93), (2) review the state court's decision in the Quiet Title Action that the grant deed executed by certain of the defendants was valid and otherwise rescind all orders of the California Superior Court in this matter (Comp. At 43; 54-56; 671-69), (3) rescind the state court's order in the Forcible Detainer Action declaring the ten-member board the true Board of Directors of the Church (Comp. At 16) and (4) rescind and vacate the state court's order in the

Breach of Contract Case vacating the default judgment entered in plaintiff's favor. (Comp. At 21-24).

Plaintiff's claims, allthough not explicitly labeled as such;, constitute nothing more than an attempt to appeal directly in the federal district court specific state court rulings on federal constitutional grounds. This Court simply does not have jurisdiction over such claims. See McNair, 805a F.2d at 892-893 (applying the Rooker-Feldman doctrine where plaintiff was asking the district court to review a specific state court decision interpreting a state court rule), cert. denied, 506 U.S. 999 (1992).

C. **To the extent that plaintiff is seeking to enjoin the actions of state courts in any currently pending litigation, abstention is warranted.**

Although it appears that many, if not all, of the complained of judicial actions described in the complaint are the result of final judgments issued by state courts, it is not entirely clear from plaintiff's allegations whether any of the above-described law suits currently are pending in the California State courts. Where a federal district court is not

asked to review the merits of a final state judgment, but rather to enjoin ongoing state proceedings, the principles of abstention outlined in Younger v. Harris, 401 U.S. 317 (1971), of abstention outlined in Younger v. Harris; 401 U.S. 37 (1971), and not Rooker-Feldman, govern such claims. See Pennzoil Co. v Texaco , 481 U.S. 1, 10, 107 S. Ct. 1519, 95 L. Ed. 2d 1 (1987); H. C. ex rel. Gordon v. Koppel, 203 F. 3d 610, 612 (9th Cir. 2000).

The policy of abstention "rests on notions of comity and respect for state functions," see Champion Int'l. Corp. v. Brown, 731 F.2d 1406, 1408 (9th Cir. 1984), and restrains federal courts from exercising jurisdiction in civil and administrative proceedings as long as those proceedings relate to an important state interest. See Ohio Civil Rights Comm'n v. Dayton Christian Schools, Inc., 477 U.S. 619, 627, 106 S. Ct. 2718, 91 L. Ed. 2d 512 (1986). Federal courts are precluded not only from issuing injunctions in cases that fall within the scope of Younger and its progeny but from even considering the

merits of such cases. See Fresh Int'l. Corp. v. Agricultural Labor Relations Bd., 805 F.2d 1353, 1354 (9th Cir. 1986).

In Middlesex County Ethics Comm. V. Garden State Bar Ass'n., 457 U.S. 423, 102 S. Ct. 2525, 73 L. Ed. 2d 116 (1982), the Supreme Court articulated a three-prong test for determining when a federal court must abstain from hearing a suit under younger. A federal court must abstain from hearing and dismiss a suit if deciding the merits of the suit would interfere with a state proceeding that is (1) ongoing, (2) implicates important state interests and (3) provides and adequate opportunity to raise federal questions. See 457 U.S. at 432; see also Mission Oaks Mobile Home Park v. City of Hollister, 989 F.2d 359, 360 (9th Cir. 1993), cert. denied, 510 U.S. 1110 (1994); Fresh Int'l. Corp., 805 F.2d at 1357-58.

As stated above, it is not clear from plaintiff's complaint whether any of the state law suits described therein are pending or not. However, to the

extent that any of them still are pending, the first prong of the Middlesex test is met.

Although the precise nature of all of these state law suits cannot be gleaned from the complaint, it does appear to the Court from the allegations of the Complaint that important state interest are implicated by the proceedings described therein. See, e.g., Pennzoil, 481 U.S. at 13 (important state interest in requiring persons to "transfer property in response to a court's judgment"); Kelm v. Hyatt, 44 F.3d 415, 419-420 (6th Cir. 1995) (important state interest in regulating matters relating to domestic violence); Worrell v. Irwin, 890 F. Supp. 696, 706 (S.D. Ohio 1994) (adjudication of a controversy concerning property located within the state.). Moreover, it also appears to the Court that this is not an instance where interference by a federal court with a state's important interest in protecting "the authority of the judicial system, so that its orders and judgments are not rendered nugatory," is warranted. See

Juidice v. Vail, 430 U.S. 327, 336 n. 12, 97 S. Ct. 1211, 51 L. Ed. 2d 37i6 (1977).

Finally, to the extent that any of the state law suits currently are pending, it appears to the Court that plaintiff has an adequate state forum in which to pursue any federal constitutional claims. See Middlesex, 457 U.S. at 435 (rejecting claim that state procedures would be inhospitable to federal claims). Whether or not plaintiff has availed himself of the opportunity to raise any constitutional claims he may have is irrelevant. See World Famous Drinking Emporium, Inc. v. City of Tempe, 820 F.2d 1079, 1083 (9th Cir. 1987).

D. **Plaintiff has failed to state a federal claims against any of the named defendants.**

Plaintiff alleges in his complaint that defendants violated his constitutional rights to due process and equal protection by, among other

things,[3] conspiring with state court judges to deprive him of due process in the above-described law suits, wrongfully seizing control of the Church, publishing and defamatory allegations about plaintiff, committing acts of violence against him and his family, and terminating him from his job as a minister of the Church in violation of a 1985 employment contract. Although not explicitly stated by plaintiff, the Court liberally construes

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[3] Plaintiff's complaint is littered with vague allegations of constitutional violations too numerous and too fantastic to discuss in detain. For example, plaintiff claims certain defendants violated plaintiff's due process rights by not adhering to the procedures described in the Bible, Matthew 18:15-17, which provides:

"15 Moreover, if thy only brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou has gained by brother.

"16 But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established.

"17 And if he shall neglect to hear themk tell it unto the church; but if he neglect to hear the church, let him be unto thee as an heathen man and a publican." (Emphasis in original). (See Comp. At 82). Since the Court finds, infra, that none of the named defendants is a state actor for purposes of federal question jurisdiction, the Court need not address each constitutional allegation in the complaint.

plaintiff's complaint as an attempt to state a claim under 42 U.S.C. Sec. 1983, which provides that "[e]very person who, under color of any statue, ordinance, regulation, custom, or usage, of any State. . . subjects, or causes to be subjected, any citizen of the United States. . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law."

To state a claim against a particular defendant for violation of his civil rights under 42 U.S.C. Sec. 1983, plaintiff must allege that the defendant, acting under color of state law, deprived plaintiff of a right guaranteed under the Constitution or a federal statute. West v. Atkins, 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988); Karim-Panahi v. Los Angeles Police Dep't, 839 F.2d 621, 6224 (9th Cir. 1988). A defendant must have acted "under color of law" to be held liable under Sec. 1983. See Huffman v. County of Los Angeles, 147 F.3d 1054, 1057 (9th Cir. 1998), cert. denied, 526 U.S. 1038 (1999). To act under color of state law

for purposes of Sec. 1983, the defendant must "have exercise power 'possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.'" West v. Atkins, 487 U.S. at 49 (quoting United States v. Classic, 313 U.S. 299, 326, 61 S. Ct. 1031, 85 L. Ed. 1368 (1941)).

"The ultimate issue in determining whether a person is subject to suit under Sec 1983 is the same question posed in cases arising under the Fourteenth Amendment: is the alleged infringement of federal rights fairly attributable to the [government]?" Rendell-Baker v. Kohn, 457 U.S. 830, 838, 102 S. Ct. 2764, 73 L. Ed. 2d 418 (1982). Section 1983 "excludes from its reach merely private conduct, no matter how discriminatory or wrong." American Mfgrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 49, 119 S. Ct. 977, 143 L. Ed. 2d 130 (1999) (citations and internal quotations omitted).

Here, plaintiff's allegations concerning civil rights violations arising as a result of and during the course of

state law suits described above, cannot form the basis of a federal civil rights claim because those claims are barred by either the Rooker-Feldman doctrine or Younger abstention, as discussed infra. Plaintiff's remaining allegations concerning constitutional violations: i.e. breach of an employment contract, conversion of Church property, defamation, fraud, acts of violence, conspiracy, deceit and perjury are all claims against purely private individuals, and thus do not state claims under Section 1983.

A trial court may dismiss a claim sua sponte without notice where the claimant cannot possibly win relief. See Omar v. Sea-Land Service, Inc., 813 F.2d 986, 991 (9th Cir. 1987). If plaintiff appears pro se, as in the instant case, the Court must construe the pleadings liberally and must afford him the benefit of any doubt. Karim-Panahi, 839 F.2d at 623. A pro se litigant must be given leave to amend his complaint unless it is absolutely clear that the deficiencies of the complaint cannot be cured by amendment. Noll v. Carlson, 809 F. 2d 1446, 1448 (9th Cir. 1987).

Here, it is absolutely clear to the Court that the deficiencies of the Complaint with respect to the Federal Claims cannot be cured my amendment.

E. **Supplemental jurisdiction over plaintiff's state law claims should be declined.**

In view of the Court's recommendation that the Federal Claims be dismissed without leave to amend, the Court recommends that supplemental jurisdiction be declined over the State Law Claims, pursuant to 28 U.S.C. Sec. 1367(c)(3). See Executive Software North America, Inc. v. U.S. Dist. Court for Cent., Dist. Of California, 24 F.3d 1545, 1555-56 (9th Cir. 1994); Schneider v. TRW, Inc., 938 F.2d 986, 993-94 (9th Cir. 1991)

RECOMMENDATION

IT THEREFORE IS RECOMMENDED that the District Court issue an Order: (1) approving and adopting this Report and Recommendation; (2) granting defendants' Motion to Set Aside Default; and (3) dismissing this action without prejudice.

DATED: June 12, 2000

s_____ ROBERT N. BLOCK
UNITED STATES MAGISTRATE JUDGE

APPENDIX L

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Pro Se

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIORNIA

THAMAR E. WILLIAMS, President of the Board of the Board of Directors and Trustee of the WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, Plaintiff, vs. WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, MAURICE L. WILLIAMS, Trustee, and JOHNNY JACKSON, Trustee; WATTS-WILLOWBROOK CHURCH OF CHRIST, MAURICE L. WILLIAMS, Trustee, FRANK DEVEREAUX, Trustee, JOHN L.	FED CASE NO.CV-99-13564 AHM (RNB) **ORIGINAL PLAINTIFF'S AFFIDAVIT OF OBJECTIONS TO THE ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE; AND JUDGMENT [FED. RULE CIVIL PROCEDURE 12]**

WILLIAMS, Trustee, ALLEN HARRIS, Trustee; EGERTON FORSTER, Trustee, SHERRON E. WILLIAMS, Trustee, LLOYD PHILLIPS, Trustee; CHESTER JONES, Trustee; BOBBY BRIGHT, Trustee; VERNON REED, Trustee; LIONEL SPEARS, ALICE HARRIS, PRINCE A. EMEDON; J.STANLEY SANDERS; MICHAEL SINKOV; MONA BOULEVARD CHURCH OF CHRIST ARBITRATION COMMITTEE, CRENSHAW CHURCH OF CHRIST, BILLY CURL; CHURCH OF CHRIST, O.J. DYSON, DYSON ENTERPRISES; LA PUENTE CHURCH OF CHRIST, ELLIS LEWIS, SR., NORMANDIE CHURCH OF CHRIST, HERMAN THOMPSON; SOUTHSIDE CHURCH

COURT ROOM: 14

THE HONORABLE UNITED STATES DISTRICT COURT JUDGE, A. HOWARD MATZ

DEMAND FOR JURY TRIAL

OF CHRIST, CARL BACCUS;
MISSION BLVD. CHURCH
OF CHRIST; AVALON CHURCH
OF CHRIST, J.C. THOMAS;

Defendants.

ORIGINAL PLAINTIFF'S AFFIDAVIT OF OBJECTIONS TO THE ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE; AND JUDGMENT [FED. RULE CIVIL PROCEDURE 12]

I, Thamar E. Williams, being sworn or affirmed, say and state that the following constitutes the Original Plaintiff's (Thamar E. Williams') Objections to the Honorable United States District Court Judge's Order Adopting Findings, Conclusions And Recommendations, And Judgment which was signed on September 6, 2000 [mailed on the 18th and retrieved from the mail on the 13th] as follows:

1. **INTRODUCTION**

The Decision made by the Honorable Judge A. Howard Matz has been made in the "Absence of Jurisdiction" due to a "Recusal" under California law [the Code Civil Procedure Section 170.6] as was filed with a Peremptory Challenge and Grounds for Disqualification as contained in the Original Plaintiff's Objections to the Magistrate Judge Report filed on June 28, 2000.

That "Decision" of the Honorable Judge A.Howard Matz "Adopting Findings, Conclusions and Recommendations of United States Magistrate Judge" contradicted both the Report [using that which was "PLACED IN FILE - NOT USED"] and the Due Process for Trial by Jury Rule 53 of the Federal Rules of Civil Procedure. The "PLACED IN FILE - NOT USED" statement is contained on the Court's Docket on page 6 on 7/3/00, attached for the Court's information. The Honorable Judge A. Howard Matz's "Decision" as to the "Adopting Findings, Conclusions and Recommendations of United States Magistrate Judge's Report is clearly a violation of the Due Process Procedure for Trial according to Rule 53 of the Federal Rules of Civil Procedure for Trial by Jury as Demanded by the Original Plaintiff. This Decision of the Honorable Judge A. Howard Matz is another Overt Act of a personal deep seated bias and prejudice of the Court to deny and deprive the original Plaintiff of his Constitutional Rights, those rights include, but are not limited to: the First Amendment; the Equal Access Act; the Seventh Amendment of the U.S. Constitution; and the 14th Amendment all of which makes the Court 'inconsistent with substantial justice and substantially

effecting and substantially affecting the rights of Parties in this case. This Decision is in collusion and/or conspiracy with other judges who have committed the same Overt Acts of violations of due process of law.

The Original Plaintiff set forth his operative facts and theories, in his "Separate" and "Independent" Complaint that was filed on 12-29-99. The Court has full knowledge of the reason the Original Plaintiff was seeking Damages and Injunctive Relief. The "Separate" and "Independent" Complaint established the "standings" of the Original Plaintiff to seek damages. The adoption of the Report of the Judge Magistrate by the Honorable Judge Matz sets forth a separate standing for equitable Relief. The original Plaintiff is being denied and deprived of his rights as created by The Ninth Circuit as an exception to the Lyon standard. See Nava v. City of Dublin., 121 F3d. 453. 456 (9th Cir. 1997). The Original Plaintiff need not undertake a separate standing (as stated in the Magistrate Judge's Report) inquiring for equitable relief so long as the damages and equitable claim are predicated on the same operative facts and legal theories. Therefore the Court must accept all of the allegations ad contained in the "Separate" and "Independent" Complaint as

true. See North Star Int' l v. Arizona Corp. Comm'n, 720 F. 2d 578, 581 (9th Cir. 1983). The decision of the Honorable Judge Howard Matz to "Dismiss" the "Separate" and "Independent" Complaint contradicts the "Decision" of the Ninth Circuit Court's in Nava v. City of Dublin.

2.

DEFENSES AS OBJECTIONS TO THE HONORABLE JUDGE A. HOWARD MATZ'S DECISION

(1). Lack of jurisdiction over the subject matter and over the person.

The Original Plaintiff named The Honorable Judge A. Howard Matz as being Recused along with the Honorable Magistrate Judge Robert N. Block in his Objections. See Affidavit of Objections to The Honorable Judge Report filed June 28, 2000.

The Judge was made aware of prior Recusals as contained in the "Separate" and "Independent" Complaint and was subsequently Recused of a personal deep seated prejudice or bias which deprived and denied the Original Plaintiff of his rights to a fair jury Trial. The Plaintiff's statement and grounds for the judge's

disqualification (under 170.6) for personal bias and prejudice not only estoppes The Honorable Judge in making a decision, but also permanently deprives him of jurisdiction, when he fails to files an answer within the mandatory five-day limit. See Oak Grove School Dist. Of Santa Clara County v. City Title Ins. Co. (1963) 32 Cal. Rptr. 288, 217 C.A. 2d 678. Where a judge has failed to file a written answer to a verified statement of bias and prejudice, facts alleged in statement must be taken as true. See Calhoun v. Superior Court of San Diego County (1958) 331 P. 2d 648, 51 C. 2d 257. It is a matter of law that where Plaintiff's Motion charging bias and prejudice, and the judge fails to file an answer as required by statue, the Trial Judge is "Disqualified." See Rosenfield b. Vosper (1945) 160 P. 2d 842, 70 C..A. 2d 217. Therefore, the Plaintiff contends, according to law, that the judges in this case action, [both the U.S. District Court and the U.S. Magistrate judge] cannot make a decision with full knowledge of their Recusal. This court action cannot be

dismissed with a decision of dismissal from a Recused judge. The Honorable Judge, A. Howard Matz has made a decision without jurisdiction. The Honorable Judge John W. Ouderkirk made the same decision to dismiss Case # 195215 (in the same Related Case) upon receiving knowledge of his Recusal. The Honorable Judge Ellen C. Deshazer of the Superior Court also made a Decision in the absence of jurisdiction (Case # TC 010864) granted waiver of a Demanded Jury Trial and with full knowledge of her Recusal, also made a Decision. The original Plaintiff objects to as establish practice of court judges to make decisions being Recused and dismissing cases, in which they have no jurisdiction over. This overt act of the Honorable Judge A. Howard Matz constitutes a new grounds for Recusal and disqualification. The Honorable Judge A. Howard Matz is hereby Recused for overt acts of personal bias and prejudice and also collusion and/or conspiracy. This established practice of judges to dismiss cases or place judgment in cases where they have no

jurisdiction substantially deprives and denies the Original Plaintiff of his Constitutional Rights. This Decision of the court has been made not only with the lack of jurisdiction of subject matter, but also, lack of jurisdiction over the person. The Original Plaintiff asserts both defenses, the lack of jurisdiction over person and lack of jurisdiction over subject matter as an objection to the judges' decision. All the judges in this case as well as Related Cases, (with the exception of The Los Angeles national Bank Case # BC 193978) have not and did not perform a judicial act. That" the reason for Dismissal. In the Los Angeles national Bank (a Related Case) the Defendants were made to "pay" or had to "settle" with the Los Angeles National Bank because of their culpable conduct. The decision of the judge to "Dismiss" this case action further "suppress" and "conceals" evidence as contained in the Complaint with Exhibits of all the allegations (which includes but not limited to fraud).

(2). The Original Plaintiff objects to the judge adopting the findings, Conclusions and recommendations of judgment based on the Magistrate Judge's Report, which is "PLACED IN FILE - NOT USED." Since it is "NOT USED," therefore, the Decision constitutes the Judge's failure to state a claim upon which relief can be granted to the Original Plaintiff. By law, the original Plaintiff now qualifies on motion asserting the defense numbered 6 under The Federal Rules of Civil Procedure, 12, (4) (B) (b) (6) of Summary Judgment and dispose of and provided in Rule 56. Parties which are not in Default shall be given reasonable opportunity to present all materials made pertinent to such a motion by Rule 56.

(3). The Original Plaintiff objects to the judge adopting the findings, Conclusions and recommendations of judgment based on the Magistrate Judge's Report, which is "PLACED IN FILE - NOT USED." Therefore, the Decision was insufficiency of process. In order for the District Judge to follow the "Due Process" according to law, the

Magistrate Judge has the responsibility of submitting a report that can be "USED" and "NOT USED." The Original Plaintiff claims all Mistakes, Inadvertence, Surprise, Misrepresentation, Clerical Mistakes, Excusable neglect, Clerical Mistakes in Judgment, Defects in Rulings or Orders, under Federal Rules of Civil Procedure 60 and 61 are used by the Court to deprive and deny the Original Plaintiff his Constitutional Rights of a Trial by Jury as declared by the Seventh Amendment of the Constitution. The right of Trial by Jury is given by a stature of the United States and shall be preserved to the parties violated un the Federal Rule of Civil Procedure 38(a). Therefore, the Original Plaintiff does not seek a new Trial because he has been "Deprived" and "Denied" his Seventh Amendment Right to a Trial by Jury. The Original Plaintiff cannot Motion for a new Trial because he was denied a Trial by Jury by this Order of the Court. The Original Plaintiff Motion is that this Court order of the Honorable Judge A. Howard Matz be Rescinded and vacated immediately.

This Order [in the disguise of Federal Rules of Civil Procedure 60 and 61] are overt Acts of Violations of Due Process of law and/or Overt Acts, which are inconsistent with Due Process of Law and/or Overt Acts that contradicts the evidence, all of which Deprives and Denies (with personal prejudices and biases) the Original Plaintiff of his Constitutional Rights. This Order must be rescinded and vacated in order to preserve the Original Plaintiff his 11th Amendment rights. The Original Plaintiff hereby respectfully petition the District Judge for rehearing under Federal Rules 76 (b) of Civil Procedure for Stay of Judgment. The Original Plaintiff had begged of the Court to place Motions before the Court due to the defendants' culpable behavior in sabotaging and destroying the Original Plaintiff's Computer Systems and Programs. The original Plaintiff under financial burden and hardship has to pay for Computer Time at public facilities. The original Plaintiff is made to be under hardships and burdens and physical exhaustion from lack of sleep and work trying to combat the culpable

behavior of the defendants along with their death threats. The Original Plaintiff on these matters begs the mercy of the Court.

(4). The Original Plaintiff objects to the Courts failure to join a party under Rule 19. The decision to Remand these cases (which are a part of this Complaint under 28 Section 1441, 1446; FRCP 81c) was violated by the Court. The entire actions of all cases, and parties as named in this "Separate" and "Independent" Complaint, have not been joined under Rule 19, such parties include but are not limited to Leo Swartzs, Edmendon Prince, Bobby Bright, etc. Plus, all cases as was named in the Complaint were removable as Joinder of removable and nonremoval causes of action, as proper according to law. The Court never did this. The judge's decision to "Dismiss" and suppress and conceals all evidence as contained in those case actions which was included in and made apart of the "Separate" and "Independent" Complaint. These violations or failure to join a party under Rule 19

reflects the Court's personal prejudice to not perform a judicial act.

CONCLUSION

In conclusion, the Original Plaintiff has directed the court's attention to these Objections [lack of jurisdiction over subject matter and over person, insufficiency of process, failure to join a party under Rule 19 and failure to state a claim upon which relief can be granted], all of which substantially denies, deprives, compress and conceal evidence as shown in this case. Mr. Sanders surprise Motion as granted by the Court for Relief (in view of defendants culpable behavior) from Default is a clear example of the Court's personal bias and prejudice to violate Due Process of Law and to commit overt acts that are inconsistent with Due Process of Law and/or failure to perform a judicial act. The Court has a duty to rescind, and vacate this order as no Judge should act in the clear absence of all jurisdiction. The Original Plaintiff begs of Declaratory Relief and Relief according to the discretion of the Court so that the Original Plaintiff's Seventh Amendment Rights will be protected as well as other Constitutional Rights. The District Judge cannot adopt the Magistrate Judge's Report with these defects in the Order as "NOT USED."

I declare (or certify, verify or state) under the

penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: September 20, 2000

s_____

Thamar E. Williams, Pro Se

Note to the Court. The Original Plaintiff could not complete the Motions which was needed to be placed on calendar with this filing due to the culpable conduct of the defendants destroying Computer Systems. It was previously requested of the Court extension for time to present these Motions. Dates requested for October are 16, 23, and 30th. For November are 6, 13, 20 and the 27th. For December are 4, 11, and the 8th.

SUPPORTING MEMORANDUM OF POINTS AND AUTHORITY FOR AFFIDAVIT OF OBJECTIONS TO THE DISTRICT COURT JUDGE'S ORDER
[FED. R. CIV. P. 12(b)(6)]

1.

THE POSITION ADVANCED BY THE COURT

The Honorable District Court Judge A. Howard Matz states in his Order that the Original Plaintiff's Motion is Denied as "moot."

2.

THE POSITION ADVANCED BY THE ORIGINAL PLAINTIFF

The Original Plaintiff contends that he has standings with the Court and these matters are not moot as this was a tolling Motion well within the ten day time period dating from the Order of the Court.

3.

EVIDENCE AND ARGUMENTS RELIED ON BY THE ORIGINAL PLAINTIFF

The Supreme Court Ruling: The Supreme Court has recently noted, both standing and mootness are jurisdictional issues deriving from the requirement of a case or controversy under Article 111.

POINT OF AUTHORITY *See* Friends on the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.,...120 S. Ct. 693, 703-04 (2000); *See* (Article III of the Constitution requires that there be a live

case or controversy at the time that a federal court decides the case…'' "(quoting Burke v. Barnes, 479 U.S. 361, 363 (1987).

DEFENDANTS ACTIONS ARE "CAPABLE OF REPETITION, YET EVADING REVIEW." There is more than a reasonable expectation that the same action will occur again.

POINT OF AUTHORITY- See Spencer v. Kemna, 523 U.S. l, 17 (1998); Madison School District, 177 F. 3d at 798.

The Original Plaintiff claims the doctrine of jus tertii, to invoke the rights of third parties who are not before the court. All those who are associated with the Original Plaintiff, the Original Plaintiff invokes these rights under jus tertii.

POINT OF AUTHORITY - See Singleton v. Wulff, 428 U.S. 106, 112 (1976); Accord Powers v. Ohio, 499 U.S. 400, 411 (1991);

PERSONAL JURISDICTION WAS OBTAINED THROUGH PERSONAL SERVICE OF PROCESS.

The Original Plaintiff filing on April 17, 2000 (Declaration of Evidence and Memorandum of Opposition to Motion for Relief from Default **Exhibit "A"**) proves that personal Jurisdiction was effected.

POINT OF AUTHORITY See Rano v. Spa Press, Inc., 987 F. 2d 580, 587 n.3 (9th Cir. 1993) ("well established that where the district court relies solely

on affidavits and discovery materials, the plaintiff need only establish a prima facie case of jurisdiction"). The Original Plaintiff Objects to the Court not recognizing Personal Jurisdiction as the Original Plaintiff have waived his Rights to insufficiency of Service of Process, therefore the Court is in violation of Due Process of Law to Dismiss this claim.

Futhermore, the Original Plaintiff Complaint is being Dismissed on the facial Challenges of the Court. The Original Plaintiff contends that he should not be denied and deprived of his Seventh Amendment Constitutional Rights to a Trial simply because of Judicial Challenge.

POINT OF AUTHORITY See 9th Circuit Stewart v. Ragland, 934 F.2d. 1033, 1036 n. 5 (9th Cir. 1991) (party may proceed to trial on merits without waiving jurisdictional challenge). The Original Plaintiff contends that the Court deprives him of his Constitutional Rights by denying timely Motions for New Trial, Injunctive Relief, as well, as full Adjudication of all matters as contained in the Complaint.

CONCLUSION

If the Court cannot grant the Injunctive Relief as called for in the Complaint, the Original Plaintiff still have a Right to his claims for Damages. Matters of facial challenges can be handled at the Appeals Court level; the Original Plaintiff seeks immediate

Trial or Damages. The discovery of facts as contained in the Complaints supports Personal Jurisdiction.

A timely Motion of new evidence to consolidate hearings with Trial was filed with the Court on September 12, 2000. Those issues are not "Moot."

Affirmed this 19th day of October 2000.

s_____

Thamar E. Williams, Pro Se

APPENDIX M

J. Stanley Sanders
State Bar No. 043671
McKenzie, McGhee & Pryce
So. Grand Ave., 20th Fl.
L.A., Ca 90071-1524
(213) 626-0999;fax(213)626-3090
Attorneys for Plaintiff
Watts-Willowbrook Church of Christ

STAMP
Los Angeles Superior 333 Court
Feb. 09 1998
sJOHN A. CLARKE, Deputy
by Jeffrey Summers, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WATTS-WILLOWBROOK CHURCH OF CHRIST, a non-profit corporation, MAURICE L. WILLIAMS, Trustee, and JOHNNY JACKSON, Trustee
Plaintiff

vs,

THAMAR E. WILLIAMS, an individual,
MARY M. JOINER, an individual,
MONA BOULEVARD COMMUNITY SERVICES, INC., a non-profit public benefit corporation, and DOES 1 through 50, inclusive,
Defendants.

CASE NO: TC 010 864

NOTICE OF RULING AND ORDER

AND RELATED CROSS-ACTIONS

The certification of the election held on January 11, 1998 for members of the Board of Trustees of Plaintiff and Cross-Plaintiff Watts-Willowbrook Church of Christ having come on regularly for hearing on January 29, 1998 in Department J of the above-entitled court, the Honorable Jack W. Morgan, presiding, plaintiffs appearing by J. Stanley Sanders and defendants-cross-complainants appearing by Michael Sinkov, and after consideration of the ballots and the tally thereof by the Deputy Clerk of the Court and argument of counsel, and good cause appearing therefor,

THE COURT FINDS that the conduct of the election of January 11, 1998 for membership on the Board of Trustees of Watts-Willowbrook Church of Christ was fair and proper.

IT IS HEREBY ORDERED that the election results of the January 11, 1998 balloting for membership on the Board of Trustees of Watts-Willowbrook Church of Christ is hereby certified and that the slate of candidates consisting of Maurice L. Williams, Frank Devereaux, John L. Williams, Allen Harris, Egerton Forster, Sherron E. Williams, Lloyd Phillips, Chester Jones, Bobby Bright, and Vernon Reed were duly elected to the Board of Trustees of Watts-Willowbrook Church of Christ.

Counsel for plaintiffs is ordered to prepare the

order for the Court's signature.
DATED: 2-9-98

s JACK W. MORGAN
THE HONORABLE JACK W. MORGAN
JUDGE OF THE SUPERIOR COURT

J. Stanley Sanders
State Bar No. 043671
McKenzie, McGhee & Pryce
So. Grand Ave., 20th Fl.
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Attorneys for Plaintiff
Watts-Willowbrook Church of Christ

STAMP
Los Angeles Superior 333 Court
Feb. 09 1998
sJOHN A. CLARKE, Deputy
by Jeffrey Summers, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WATTS-WILLOWBROOK CHURCH OF CHRIST, a non-profit corporation, MAURICE L. WILLIAMS, Trustee, and JOHNNY JACKSON, Trustee

Plaintiff

vs,

THAMAR E. WILLIAMS, an individual,
MARY M. JOINER, an individual,
MONA BOULEVARD COMMUNITY SERVICES, INC., a non-profit public benefit corporation, and DOES 1 through 50, inclusive,

Defendants.

CASE NO: TC 010 864

ORDER GRANTING PRELIMINARY INJUNCTION

AND RELATED CROSS-ACTIONS

The application OF Plaintiffs' for defendants, and each of them, to show why they should not be enjoined, preliminarily, during the pendency of the instant complaint from entering upon the premises of Watts-Willowbrook Church of Christ having come on regularly for hearing on January 29, 1998 in Department J of the above-entitled court, the Honorable Jack W. Morgan, presiding, plaintiffs appearing by J. Stanley Sanders and defendants appearing by Michael Sinkov, and after consideration of the moving papers and pleadings, and the responses thereto, and the argument of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED that Defendant Thamar E. Williams is enjoined from entering upon the premises and real property of Watts-Willowbrook Church of Christ, and any and all appurtenances thereto, at 13204 Mona Boulevard, Compton, California until further order of court;

IT IS HEREBY FURTHER ORDERED that the Stay-Away Orders previously issued by this Court, and suspended during the campaign at said Church for the election of members of the Board of Trustees held January 11, 1998, wherein Defendant Thamar E. Williams is to stay at least 500 feet from the premises and real property of Watts-Willowbrook Church of Christ, is hereby reinstated until further order of court;

IT IS HEREBY FURTHER ORDERED that the application as to defendant Mary Joiner is denied.

Counsel for plaintiffs is ordered to prepare the order for the Court's signature.

DATED: Feb. 9, 1998

s Jack W. Morgan

THE HONORABLE JACK W. MORGAN, JUDGE OF THE SUPERIOR COURT

APPENDIX N

Thamar E. Williams, et al
4130 Carlin Avenue
Lynwood, CA 90262
(310) 763-4616
In pro per

STAMP
ORIGINAL
FILED
LOS ANGELES
SUPERIOR COURT
Feb. 5, 1998
JOHN A. CLARKE, CLERK
sM. MOUTON-LEE, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, MAURICE L. WILLIAMS Trustee; and JOHNNY JACKSON, Trustee, Plaintiffs, vs. THAMAR E. WILLIAMS, et al., Defendant.	CASE NO. TC010864 EX PARTE APPLICATION FOR OBJECTIONS TO PLAINTIFF's EVIDENCE OF ELECTION RESULTS RESTRAINING ORDER AND DEFENDANTS RIGHTS TO AN ATTORNEY DATE: February 5, 1998 TIME: 8:30 a.m. DEPT.: J

Defendant, Thamar E. Williams, objects to Plaintiff's being granted by the court, on January 29, 1998 their request to be winners of the Election of

the Board of Directors of the Watts-Willowbrook Church of Christ (held on January 14, 1998), and a Restraining Order, coupled with Defendant rights being denied to an Attorney.

1. Defendant objects to Plaintiff's evidence of Election Results for the following reasons:

   (a). The court acknowledges (from the transcript records of the court held on January 29, 1998) that it has read Defendants' filings of said Declaration of Election Results in which documents' declarations to the court of evidence of massive Voter being turned away due to: life threats; intimidation's; harassment's; disturbances; interruptions; threats of violence; etc., all of which, violates the California Election Codes. These acts which turned away voters are supported by documentation of unedited video tape.

   (b). Attorney Michael Sinkov personal testimony before the court on January 29, 1998 stated that there was "chaos at the election...and also interference...and Electioneering." Again this turned away voters and clearly violated the California Election Codes. The Electioneering was due to Plaintiff'

invalid Election Ballot, which Plaintiff' insisted on using throughout the election to solicit voters while explaining to the Voters the reason for two Ballots. Ballots were reviewed and screened by Plaintiff's Election Candidates prior to placing the Ballot into the Ballot Box.

It was noted by the court, on January 16, 1998, to the defendant in the presence of Mary M. Joiner, one of the five Election Officials, that a decision could not be made without a formal court hearing designated for that purpose.

To date, this has not been done.

(c). The Election was not mandated by the five Election Officials as ordered by the court. The two Election Officials of the Plaintiff's never appeared to manage the Election. The Election begun and votes were cast at 7:00 a.m. without the two Election Officials and the fifth member (Neutral Party) to conduct the Election. Plaintiff's Attorney, Stan Sanders, exercised sole authority and control which were a clear Conflict of Interest. After the cancellation of the Election due to intimidation, harassment's, life

threats, disturbances, emotional outbursts, etc., Attorney Sanders exercised full authority to continue the Election after an agreed termination by the Election Officials.

(d). Age of voters and proper identification was not verified. Children of all ages (less than age 18) voted. If one could cite a Social Security number, one could vote. All of which is a violation of the California Election Codes.

(e). The agreed upon Election Management Controls were adopted before 7:00 a.m. by the Election Officials and were ignored and changed after the cancellation of the Election about 9:15 a.m. due to Plaintiff's default.

(f). Declaration of Election Results filed by two Election Officials on January 15, 1998 to the court, indicates massive turning away of voters, and the violations of the California Election Codes.

2. Defendants object to Plaintiff's receiving a Restraining Order based on his claims to the Election Results. The objection is made for the following reasons:

(a). Plaintiffs' seeks to enjoin a restraining order based on false Election returns

and results. It is unfair to enjoin such ruling upon the Defendant. The court is aware and has documentation with declarations in reference to the Plaintiff's Attorney, Stan Sanders, who directly interfered and manipulated the Elections' result. Attorney Stan Sanders was not an Election Official. This interference and manipulation of management election controls, in favor of Plaintiff, is a direct Conflict of Interest.

(b). The Restraining Order denies defendant of his constitutional Religious right.

(c). This Restraining Order is based on unfounded and false information that the defendant, Thamar E. Williams, caused disturbances at the Church. There are no documents filed and proven in court which reflects defendant, Thamar E. Williams causing any disturbances at the Church. On the contrary, the Plaintiff's were responsible for the outbreak of violence, disturbance of the peace, and the taking by force, the church contribution and theft of free will offerings. Please see a letter to Detective Kinney dated September 3, 1997 outlining the Time

Line of Events. Please see attached, Exhibit "A."

(d). The Restraining order violates defendants' First Amendment Rights. The court has already removed the defendant from his employment and his place of worship. This has caused him terrible burden and injury which he and his family is currently suffering. Injunctions which impact upon the First Amendment activities must be narrowly drawn if they are to avoid being over board. In Smith v. Silvey, 149 Cal. Apl. 3d 400, 197 Cal.Rptr. 15 (1983), the appellate court overturned an order on behalf of a mobile home park landlord restraining its tenant from making complaints to governmental agencies; such activities are protected by the First Amendment.

3. Defendant objects to Plaintiff having the right to deny Defendant this rights to proper representation by an Attorney. This is a clear violation of Law.

(a). This is the third, Ex Parte in pro per request in which the court has been made aware (Please see filed copies of Ex Parte motions filed on January 11, 1998 and February 2, 1998 respectively

of defendants' plea for his rights to an Attorney for proper representation and formal hearing in the matter of the Election of the Board of Directors of the Watts-Willowbrook Church of Christ held on January 11, 1998.

CONCLUSION

We pray that the court would consider these Objections to the Plaintiff's Election Results which resulted from an unfair, wrongfully handled election that intimidated and turned away voters.

Plaintiff's continuous use of Restraining order has damaged Defendants' character, family, future and career and Defendant needs an appropriate, fair and equitable opportunity to be cleared. Restraining order is based on unfounded, groundless and unproven accusations.

We further pray that the court will be merciful to the Defendant's In Pro Per representation, and rescind Plaintiff's request to deny Defendants rights to an Attorney.

DATED: February 4, 1998

s_____

Thamar E. Williams, In pro per